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# EDINBURGH REVIEW.

BY

HENRY, LORD BROUGHAM, F.R.S.
MEMBER OF THE NATIONAL INSTITUTE OF FRANCE, AND OF
THE ROYAL ACADEMY OF NAPLES.

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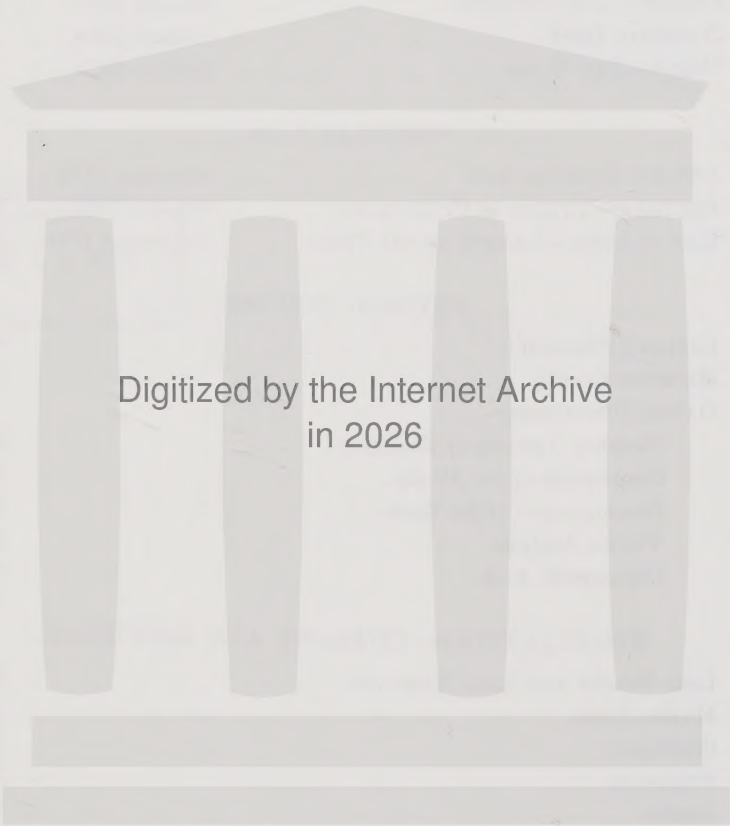

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# VI.

# POLITICAL ECONOMY AND FINANCE.

# CURRENCY AND COMMERCE.

(October, 1803.)

*Remarks on Currency and Commerce.* By John Wheatley, Esq. 8vo. Pp. 262. London. Cadell and Davies. 1803.

This work, Mr. Wheatley informs us, was undertaken to elucidate the principles of national wealth; which, notwithstanding the Inquiry of Dr. Smith, are still, it seems, very imperfectly understood. We may add, that it appears to have originated in none of those party motives, or other temporary views, which give rise to the greater number of pamphlets published upon topics connected with national policy. The conduct of the work, as well as its subject, is purely speculative; and it is delivered to the public, we are told, rather as the prospectus of a larger book, than as a separate treatise.

Such being the design of this tract, and so high its pretensions, notwithstanding that diffidence which has dictated the hint about a future work, our attention is naturally directed to examine whether anything is performed by Mr. Wheatley to justify his hopes of effecting those reforms in political economy which the celebrated writings of Smith, Hume, and the French Economists, have failed to accomplish. We will venture to predict, that after our readers shall have considered the abstract which we purpose to submit, they will participate in our disappointment, and agree with us in awarding to Mr. Wheatley's errors and inaccuracies alone the praise of originality. The general character of the work, indeed, is easily given. Our author has learned the language, and

treasured up the results of those investigations which, during the last fifty years, have effected so great an improvement in political science; but he has failed in forming to himself distinct views of the principles upon which these new and enlightened doctrines depend, and has not always followed out the line that separates them from the errors to which they succeeded. He has conceived, that, in order to recommend these improvements to practical statesmen, nothing more than a new description of them is required; and, for the purpose of varying the light in which they should be viewed, he has partially involved them in obscurity. His work is thus a mixture of unquestionable conclusions, and false or doubtful demonstrations. In so far as it exposes those errors of the mercantile system, which were demonstrated by Smith, its reasoning is irresistible; but the other departments embrace conclusions as full of error as any which that system presents. The manner, too, in which the most received doctrines are delivered, savours of a confidence in their originality, often bordering upon the ludicrous, and leads us constantly to imagine that Mr. Wheatley forgets the very existence of the works from whence he derived his instruction. He attacks the errors of the mercantile theory, as if no one but himself had ever doubted of its truth; and proposes the very principles upon which all well-informed men have long ago rejected it, in the same language of discovery that might have been used had no such writers as Hume or Smith ever existed. Thus, while the introduction of each succeeding subject promises some novelty, and the deception is kept up by the concurrence of topics not immediately perceived to be erroneous, a little attention is always sufficient to develop the characteristic feature of the work;—a mixture of unfounded with unquestionable tenets; of errors, which are never likely to gain ground, with propositions which, in the present state of the science, may be reckoned truisms; of doctrines true, but old, with reasonings in their support, as erroneous as they are novel and unnecessary. The meritorious parts of this tract we shall with pleasure specify as we proceed, in such an examination of it as may be neces-

sary to justify these general strictures, and to bring the subject before our readers.

The First chapter contains an exposition of the fundamental principles upon which our author grounds his objections to the leading doctrines of the mercantile theory. This theory, he remarks, has not been attacked with sufficient success by Dr. Smith, in consequence of his omitting a minute examination of the properties of money. To investigate these, is Mr. Wheatley's primary object; and he describes them in three propositions;—that an increase of specie is an increase of currency, and not of capital; that an increase of currency is not an increase of wealth to a nation insulated from all commercial intercourse with foreign states; and that no country can ever accumulate a greater currency than will enable it to circulate its commodities, as nearly as possible, at par with other nations, unless the freedom of mutual intercourse be obstructed by physical impediments, or by legal restrictions.

Our readers will immediately perceive that Mr. Wheatley has gone a great deal farther than was necessary, in order to refute the fundamental propositions of the mercantile theory. This theory is not erroneous because it inculcates the utility of money, but because it prescribes an exclusive preference for money. In order to refute such a doctrine, it was not necessary to prove that money forms no part of national wealth; but only that money, like every other commodity, will be possessed by a people in proportion to their effective demand for it—their occasions for using it, and their ability to purchase it. Mr. Wheatley's third proposition, therefore, if accurately demonstrated, is quite sufficient to overthrow the tenets of those who maintain that the commercial policy of a nation should be directed to the multiplication of the precious metals, rather than of any other commodity. This demonstration is made up, partly of general remarks on the origin of that erroneous idea, almost copied from the Wealth of Nations (vol. i. p. 431, and vol. ii. p. 139), and partly of the arguments used by Mr. Hume, in his celebrated essay on the Balance of Trade.

But to deny that an increase of specie is an increase of the national capital, was not more unnecessary than incorrect. Money is a part of the capital of every nation. It is that part which is required for the distribution of the other portions. The precious metals have a twofold use. They either supply the materials of certain valuable manufactures, or they are coined and employed as a medium of exchange. A greater quantity of bullion will never be accumulated, in any country, than the demands of the inhabitants of that country require, for their utensils and ornaments on the one hand, and for performing their exchanges on the other. If a greater quantity is turned towards the plate manufacture, and there is a deficiency of coin, a portion of the plate will be melted, and coined. If there is a superabundance of coin, and a demand for plate, the coin will be melted and manufactured; and if there is both more money and more plate than the trade and the luxury of the society requires, bullion will be exported to purchase something that is in request. But this is exactly the predicament in which every other commodity is placed. If there is more unground corn in any country than the sustenance of the cattle requires, and the inhabitants are in want of bread, part of the grain will be ground to support them. If there is a superabundance of flour or meal, and a want of fodder, the cattle will be fed with the overplus of the ground corn; and if both the grain and fodder are more than sufficient in quantity, the overplus will be exported, to buy such commodities as the society may require. The increase of bullion, like the increase of grain, is an augmentation of capital. Both are valuable commodities. The one is necessary for subsistence, and is besides subservient to the gratification of certain luxurious appetites; the other is required for traffic, and procures, also, certain luxuries of a peculiar kind. Were the wealth of a nation suddenly increased, either by the acquisition of grain or of bullion, and were it at the same time cut off from all connexion with other states, an extravagant use would be occasioned, in the one case, of provisions; in the other, of ornaments and plate: and if the acquisition were so great that the nation

had more than it could in any way make use of, a portion would be entirely lost; in the one case, of grain, which would be left to rot; in the other, of money, which would circulate, or be manufactured, in unnecessary profusion. The abundance of grain would, indeed, produce much better effects than that of bullion, because it forms the chief necessary of life; but the superabundance of both would be equally useless, because the surplus of a necessary article is as useless as the surplus of a luxury or convenience.

It is evidently absurd, then, to say, that specie does not form a part of the national capital. It forms a most valuable portion of the wealth of every commercial country, of every society in which exchanges are carried on, and luxuries esteemed. The increase of specie, too, is in itself clearly the increase of wealth, while the number of exchanges, or the tastes of mankind, require it; and if the increase outstrips the demand arising from these causes, still the overplus is, in every sense of the word, capital; because it may be easily exchanged for the commodities of other nations. The error of the mercantile theory consists in supposing that this part of national wealth is more valuable than the other parts, and that its augmentation deserves the peculiar care of government. It would have been just as great an error to promote, by arbitrary regulations, the importation of more grain or wool than the wants of the people require. A superfluity either of metals, or subsistence, or clothing, is equally useless.

But it is not a little singular, that Mr. Wheatley should admit the case of gold and silver mines to form an exception to his general position. Money, he observes, is a medium of exchange, for which an equivalent has been given, and no more than an equivalent can be received. It can therefore only circulate, not increase, the produce and productive stock of the community. But the gold and silver ores are an original produce, for which no equivalent has been given; which, though they may be coined by government, will soon be exchanged, if superabundant, for the commodities of other nations, and which always

afford a clear gain, beside the expense of production. Now, it is very evident, that the manner in which the precious metals are procured cannot possibly affect this question. An equivalent must be given for them in every case, and in every case a profit must accrue from the purchase. If they are obtained by mining, the equivalent is the expense of mining, including all the losses which arise from the numerous unsuccessful speculations of that kind. If they are obtained by commerce, the equivalent is the goods which purchase them. The capital employed in mining is replaced with a small profit; and the capital employed in importing bullion is also replaced with a profit. In which way soever a nation obtains the precious metals, it gains all that convenience or gratification which their use affords to commerce or taste. The precious metals, indeed, when used as coin, distribute the stock of the community, without directly increasing its quantity. The profit that arises from the use of them is nevertheless as certain as that which arises from any other branch of the circulating capital, or from the fixed capital, to which it bears, as Dr. Smith has remarked, a striking resemblance in several respects. We have insisted at greater length on these erroneous views of Mr. Wheatley, because they border very nearly upon the fundamental principles of the Economists, and have probably been introduced into his speculations from some indistinct conception of that ingenious theory. It is fair, however, to remark, that though they frequently recur in the course of his subsequent reasonings, they affect the language more than the substance of his statements, which, in so far as they are levelled at the main errors of the mercantile system, do not materially depend on the portion of error mingled with his preliminary views.

In the second chapter, our author discusses, at considerable length, the theory of the balance of trade. That theory, he observes, is founded upon the position, that a nation can only be enriched by the excess of its exports above its imports, which must be received in money. Unless the money thus acquired shall be retained, it might as well not have been imported; and if the money

is re-exported for other commodities, these might as well have been procured, in the first instance, by an exchange of the goods sold to procure the money. The detention of the money, on the other hand, is impossible, without an entire insulation of the community from all commercial intercourse; and, even if it could be effected, the community would lose exactly the value of the goods previously exported to purchase it. The theory of the balance of trade is therefore proved to be absurd, by a reference to the principles laid down in the first chapter.

In all this, there is more of indistinctness and repetition, than of error. It is true that more money cannot be permanently retained than the wants of the community require: but this was proved before, and the proof of it was sufficient to overthrow the theory of a balance. It is incorrect to say, that unless the money is retained, the goods might as well have been sent at first to the market where the commodities in request are sold. The community gains by the intervention of a circulating medium, which enables it to trade with countries where there is no demand for its own produce. It is still more inaccurate to maintain that if a superfluity of money could be retained, the community would lose the price which it had paid for the superfluous quantity. The price was itself a surplus, and had no more value than the surplus of specie. Both the one surplus and the other, derived their value from their capability of being exchanged for commodities which are useful. Mr. Wheatley would have saved himself much trouble if he had formed at first a steady view of the fundamental error of the mercantile system, viz. the *exclusive* preference which it unnecessarily gives to the commerce of the precious metals.

Having refuted the idea of a balance by referring to the doctrines previously laid down, he now proceeds, after some needless repetition of those doctrines, to explain, from the facts respecting foreign exchange, the manner in which an equilibrium of money is always preserved. When two countries trade together, and the standard of their currency is the same, that is, according to our author's acceptation of the words, when there is the same

relative proportion of currency in both, money only serves as a measure of equivalency, not as a medium of exchange. When the currency of one country exceeds that of the other, more goods are imported than exported by the former; its debts to the latter exceed its claims; and the bills against it, being more numerous than the demand for them, sell at a discount. For the same reason, the bills against the creditor country bear a premium, their number falling short of the demand. The depreciation of currency from abundance, is therefore the cause of that excess of debts above claims, which occasions a remittance of bullion to the creditor country, and the payment of a premium, in proportion to the expense, risks and profits of this remittance. This is the only view of Mr. Wheatley's general explanation, that we are able to collect from the long and confused statement which he gives of the subject. Some of his expressions, indeed, we have not been able to comprehend. "The course of exchange," he says, "is the expedient to which mankind have resorted for maintaining the purity of the common measure of equivalency."

The excess of currency in any country is unquestionably one cause of what is called an unfavourable balance of trade. But instead of being the only cause, or the ultimate fact, it is a much less general circumstance than the excess of debts above credits, which our author has deduced from it alone. A few obvious considerations will render the indistinctness of this view sufficiently apparent.

Money, like every other commodity, always follows the effectual demand for it. But sometimes the traders, whose business it is to supply the market with specie, import too much. The overplus will be re-exported—that is, other goods to the amount of this overplus will be imported; and before the specie which buys them is remitted, a debt is constituted against the importing country. The depreciation of specie from abundance, is therefore one cause of the excess of debts above claims; but it is no more a cause of this excess, than the depreciation of any other exportable commodity, in consequence of an overstocked market; and the equality of debts and claims will be

restored in all cases alike, by the actual exportation of the goods for which value has been received. If there is no demand for the bullion, or for the goods, in the foreign market, the balance will remain against the country which has imported, and the bills expressing its debts will continue to sell at a discount: but this will happen, whether the excessive importation has arisen from the abundance of its currency, or from the length of credit which it obtains from other countries, and which enables it to receive supplies before it sends out the equivalent. The equality of debts and claims will be restored; and the bills will become saleable at par, as soon as the goods, of what kind soever, are exported, for which the imports were obtained. Exchange might be at par, while nothing but goods on one side was given for money on the other; and the bills against a nation might bear a premium, while it exported nothing but bullion. The difference between the exports and imports, from whatever cause it arises, must in every case constitute the difference between the value of the bills of two nations trading together.

Mr. Wheatley, after some statements of fact tending to illustrate the impossibility of retaining a superabundant quantity of coin in any country engaged in foreign commerce, remarks, that at various periods during late years, the balance of trade has been unfavourable to England, notwithstanding the quantity of money coined, and the constant excess of exports above imports, according to the custom-house accounts. In order to explain this apparent discrepancy, our author endeavours to prove that the excess of exports above imports is not a complete test of a favourable balance of trade; that the course of exchange is the only certain proof which we have of such a balance; and that the influx or efflux of money corresponds with the course of exchange. That the balance of export and import, as stated in the custom-house books, affords no decisive proof of the real balance of credit and debit, is a proposition of which few have entertained any doubts. Mr. Hume and Dr. Smith, indeed, pass it over as unquestionable, without adducing arguments in its favour. But if Mr. Wheatley means to assert, that there is any dif-

ference between the *real* balance of exports and imports, and the balance of trade, we apprehend he is using a language hitherto unknown in the speculations of political economy. If, by the course of exchange, too, he means the apparent rate, as he certainly must, it is evident that he has omitted one consideration of very material importance—the effects of an alteration in the purity of the currency, or, which is the same thing, of the quantity or the credit of such part of the currency as cannot be exported when too much multiplied. Whenever, from any excess or discredit of this description, the market price of bullion becomes greater than its mint price, an apparent fall in the course of foreign exchange must take place, although the real balance of trade may be at par, or favourable; that is, the claims of the nation may equal or exceed its debts.

Proceeding upon the supposition, that the exports of this country have, at different times, been greater than its imports, while an unfavourable balance of trade was indicated by the course of exchange, our author attempts to reconcile the inconsistency, by examining the state of foreign expenditure during those times. This, he observes, could only absorb the money that would otherwise have been imported, if a balance had been due. But it is, in fact, entirely transacted by bills; that is to say, either by the remittance of bills in favour of this country, obtained instead of the balance due; or by drafts against this country, which constitute a debt, if no balance is due. Now, as no balance can be due, according to our author, while the course of exchange continues below par, the foreign expenditure must be defrayed by drafts upon this country, as indeed the public reports state it to have been: in other words, the amount of this expenditure, which does not appear in the custom-house books, must be added to the imports; and it is to meet this expense that the excess of exports, otherwise unaccounted for, has been made. In all this reasoning we can discover no inaccuracy. It is, indeed, sufficiently ingenious and correct; tending to exhibit, in a very clear point of view, a palpable deficit in the custom-house returns, as measures of the

commercial balance; and supported by the official documents respecting the public foreign expenditure, as well as by the fact of the suddenly increased exportation to Germany during the years of war.[1]

But, in the remainder of Mr. Wheatley's speculations upon the same branch of this subject, we meet with a remarkable degree of carelessness and confusion. The foreign expenditure, he maintains, can never alter the standard of currency; that is, the relative proportion of money in the nation. But if the total balance of trade is unfavourable, the imports must exceed the exports, according to Mr. Wheatley's own admission, p. 73. Now, all that part of the imports which is accounted for by the custom-house books, falls short of the exports: therefore, the whole foreign expenditure, both public and private, is justly added to the ostensible imports. But this addition renders the imports greater than the exports, since the course of exchange, and the total balance, is unfavourable. Hence, it is evident, that the balance is turned by that part of the imports which the custom-house books do not account for, viz. by the foreign expenditure. If the exportation, which, according to Mr. Wheatley, is caused by the foreign expenditure, were sufficient to balance that expenditure, the whole exports would be equal to the whole imports, and no debt would remain. The existence of the debt, or of the unfavourable exchange, is a complete proof that the amount of the foreign expenditure exceeds the difference between the exports and the ostensible imports. Mr. Wheatley concludes, in general (and the position, so far as we know, is entirely new), that a permanent excess of the exports above the imports of any nation, can only be produced by foreign expenditure, and by the consumption of bullion; but chiefly by the former of these causes. Now, there is one very obvious, and much more constant cause of this excess—the increase of domestic

[1] By comparing the tonnage with the value of the cargoes in the public returns for years of war, the increased exportation will be found to consist chiefly of the finer manufactures, according to Dr. Smith's remarks, from which more illustration of the subject might have been derived, than Mr. Wheatley has thought proper to draw.

resources, and the consequent demand for an augmentation of the circulating medium. This will not, indeed, raise the proportion between the precious metals and other commodities, higher in one country than in all the rest with which it trades; but it must operate in maintaining the proportion between the number of exchanges to be performed, and the medium which performs them,—unless, in so far as the substitution of a cheaper instrument of commerce may, to a certain extent, preclude the necessity of exporting a surplus, in order to procure the precious metals. We cannot leave the two first chapters of this tract, without remarking, that the refutations of Sir James Stewart's objections to Mr. Hume's arguments, given at the end of each, are extremely loose, and would be quite unsatisfactory to any one predisposed in favour of the mercantile system.

The object of the Third chapter is to lay down the true principles of national wealth, as derived from commerce, in opposition to the hypothesis of the balance of trade, refuted in the foregoing parts of the treatise.

All direct foreign commerce, according to Mr. Wheatley, is the exchange of equivalents; and no nation can be said to gain any accession to its wealth by such an operation. The merchants, who act as the factors in this intercourse, receive a commission: but this, being ultimately paid by the country to which they belong, and of which they circulate the produce, does not tend to increase its opulence. The transit trade, our author conceives to be in a different predicament. The nation which acts as an entrepôt to the commodities of foreign countries, receives the commission from foreigners, and gains so much clear profit at their expense. This profit is, however, paid in produce, not in money; and forms, therefore, no accession of specie.

"In whatever instance," says he, "a state is possessed of the transit trade, by forming an intermediate mart for foreign produce, whether it unite with its agency the profits of the carrying trade, as was formerly the case with Holland, or whether it be a simple entrepôt, as at present with Hamburgh, it derives an accession of wealth from foreign nations proportionate to the amount of the commission. The city of London possesses some portion of this

transit trade, and has some business as an intermediate agent; but, on account of our repugnance to the establishment of free ports, the policy of which I shall hereafter consider, it forms, in a much greater proportion, a depôt for the domestic and colonial produce of Great Britain, than an entrepôt for foreign produce.

"Though, therefore, the intermediate agency of an entrepôt forms an exception to the general principle, that no profit be [is] attainable in the commercial interchanges of independent nations, yet it has no tendency to effect [affect] the general question [proposition], that a nation is enriched by the increase of produce, and not by the accumulation of money.

"If it may be established as a fundamental principle, that all commerce is an exchange of equivalents, it follows as a necessary consequence, that whatever tends to an increase of equivalents tends to an increase of opulence; and that the commercial wealth of a nation should be estimated by the whole value of its equivalents collectively, and not by that portion only which returns an equivalent in bullion, which there is no possibility of detaining, and which, when parted with, can only repurchase the equivalent that bought it."—pp. 110, 111.

Now, we do not think that there is anything in the mercantile system more erroneous than this doctrine; and the error unfortunately extends to the very fundamental principles of commercial prosperity. Trade enriches a nation, by enabling it to exchange what it has no use for, against what it stands principally in need of; and not by the profit or commission that may be realised by its merchants. It is absurd to say that all trade is merely an exchange of equivalents: if this were the case, no exchange would ever take place at all. The exchange is always a gain to both parties, and each receives more than he gives away. In the case of an absolute and proper surplus—that is, of such an excess of particular commodities, as could in no way be used at home, there is a direct gain of the whole articles obtained in exchange; and, in every case, there is to the nation a great gain, out of which the profits of the trader are defrayed. If one country produced no corn, but raised twice as much cotton as it had any use for, and another had a great superfluity of corn, but no materials for clothing, it is evident, that a trade of barter between those two countries would be in the highest degree beneficial to both; and would augment their real riches in an incalculable proportion—in a much higher proportion, and much more directly, than if they were to

apply themselves to the transit trade, and carry their profits, instead of their produce, to be exchanged for those mutual necessaries. The effect of this barter, too, would not be confined to the exchange of the existing superfluity; it would stimulate both countries to increase their industry, and enlarge the quantity of their exchangeable produce. The one would cultivate its corn fields, and the other its cotton plantations more extensively; and the population of both would increase, along with its ability to feed and clothe an additional number of inhabitants. To this simple case, all the complicated operations of commerce are ultimately reducible; for all the advantages of trade centre in this, that it enables us to get what we want, by giving what we have no use for, and stimulates our industry to increase the quantity of that surplus, which is good for nothing but for being exchanged against something else. It is impossible, therefore, to commit a greater error than Mr. Wheatley has done, in asserting that all trade of exchange is absolutely unprofitable, and that a real gain can only be made by the transit trade. This fundamental error, however, runs through the whole of the third chapter; and towards the conclusion, it is defended by the example of the greatest commercial states, particularly Holland, Hamburgh, and the Italian republics; all of which, says our author, acquired their principal wealth by the profits of the transit trade (pp. 165, 6, 7, 8). We will venture to assert, that no part of the mercantile theory is more absurd, than the peculiar favour with which it regards the carrying trade, as a special means of levying contribution upon foreigners. And the only difference between this feature of the mercantile theory, and the positions just quoted from Mr. Wheatley, is, that he favours the carrying trade (of which the entrepôt trade forms a branch), as a means of levying those contributions, not in the shape of money, but of goods. The merchant who employs his stock in circulating the commodities of foreign nations, receives a profit from them; but the effect of this employment of his stock, is to replace two foreign capitals; to promote the industry, and increase the wealth of foreigners. Had he employed

the same stock in circulating the produce of his own country, it would have yielded him quicker returns of profit, and it would have promoted the industry, and increased the wealth of his countrymen. Had he employed it in exchanging the produce of his own countrymen against that of foreigners, it would still have yielded profit; and would have increased the wealth of the country more than the carrying trade can do—though less than the home trade.

In every sort of foreign commerce, both in the foreign trade of consumption, and in the carrying trade, the profits of the merchant come from the foreign country, inasmuch as the use of foreign commodities enables the capitalist to obtain returns. In the foreign trade of consumption, he receives his profits out of that valuable surplus which his operations have added to the stock of his own country, by procuring a useful for a superfluous portion of property. In the carrying trade, his gains arise from the value which he has added to the stocks of foreign nations, by means either of his capital alone, as in that carrying trade which employs foreign vessels; or of his capital, and some part of the fixed stock of his own country, as in the entrepôt trade, and in that carrying trade which employs no foreign vessels. The direct augmentation of wealth, which his country receives in the shape of his profit, is the same in all these cases. That much more important increase of opulence, which it receives from the replacing of stock, is confined to the foreign trade of consumption, and the latter branch of the carrying trade; but is, beyond all comparison, greatest in the foreign trade of consumption.

The example of those commercial nations whose wealth has been promoted by the transit trade, is of no moment in the present discussion. Their attention was directed to that branch of traffic, from the extent of their capital, and the peculiar circumstances of their situation with respect to other states. The acquisition of the carrying trade is, in fact, a certain consequence of an overflowing capital, and a convenient maritime situation: but it is an acquisition not to be desired, until every other channel of employment is full. Mr. Wheatley appears to us almost

equally inaccurate in his general observations upon the wealth of nations, as deduced from their exports. In order to estimate the comparative wealth of Great Britain and the Continental states, he thinks it sufficient to compare the total exports of Great Britain with the exports of those other states. It is unnecessary to remark, that without exporting a single ton of goods, a nation may acquire prodigious wealth; and that the net revenue of a country engaged in foreign trade, cannot be calculated from its exports, any more than from any particular branch of its domestic circulation.

The remaining part of this chapter we consider as by far the best part of Mr. Wheatley's whole treatise. It is occupied with remarks upon the commerce of Great Britain, which he divides into three branches—the home trade, the colonial trade, and the transit trade. We particularly refer our readers to his remarks upon the East Indian commerce, which are, for the most part, ingenious and liberal, and which we wish he had not coupled with the very loose and declamatory allusions to the provincial government of Rome, p. 161. The errors of his general opinions concerning the transit trade, we have already taken the liberty of noticing. His more minute and practical observations upon the benefit of a free-port law, are entirely unexceptionable. But we must observe, before leaving this chapter, that there is a great degree of inaccuracy in his division of the subject. By home trade, our author understands the exchange of domestic produce, or domestic manufactures, against foreign produce or manufactures. This is exactly what all other writers denominate a foreign trade. Pursuing the erroneous idea formerly pointed out, he considers the extent of this traffic, and of the colonial surplus of imports, as the true test of national wealth; and omits altogether the most important branch of traffic—the internal commerce of the country; that of the country and the towns; that, in short, which all other writers have denominated the home trade. Yet Mr. Wheatley considers the colonial trade, which is in fact a home trade, as a branch of foreign commerce—otherwise, he would scarcely enumerate it as one of his

three divisions; and he bestows, at the same time, unbounded eulogy on the penetration of the late Inspector-General, for having discovered that the imports from the colonies are not like those from foreign nations, but are to be viewed as remittances, in so far as they exceed the exports thither. It is inconsistent, too, with all accuracy of principle to maintain, that this excess of imports is the only gain which accrues from the colonial trade. The excess is not a gain from the colony trade: it is a remittance of rent to the non-resident owners of colonial property, and of interest to the moneyed men whose capitals are lent upon colonial securities. The abolition of some branches of the colonial monopoly might indeed augment this surplus, but not exactly in the manner described by Mr. Wheatley.

"If" (says he) "some proportion of the produce now forced out to our colonies were diverted to an independent state, for an equivalent in foreign merchandize, and the same quantity of colonial produce were notwithstanding imported, the nation would be enriched by the proportion directed to the Continent for a foreign equivalent. If by a forced exportation of seven millions of produce to the West Indies, we received only eight millions in return, which is the present state of our trade, the nation gains [would gain] but one million by the bargain. But if, instead of this policy, we exported four millions out of the seven to the Continent, to be returned in an equivalent of foreign produce, and the eight millions of sugar were received, with the aid of only three millions from home, the nation would gain five millions by this trade, instead of one. I have no means of estimating the proportion of supply which the planter would draw from this country, if he were at liberty to choose his market; but it is obvious that the less exports he take [takes] from us, and the more produce he bring [brings] to us, the more he advances the interests of his country; and not by the more he take [takes] from us, and the less he bring [brings] to us, as the 'Balance of Trade' ['Theory of a Balance of Trade'] has endeavoured to persuade us."—pp. 132, 133.

The great omission of circumstances in this statement of the subject, is too obvious to require farther notice.

Upon the whole view of these three chapters, which contain Mr. Wheatley's examination of the mercantile system, and exhaust the main part of his design, we have little hesitation in giving it as our opinion, that he should not expect to convert one supporter of the old theory, whom the copious and masterly refutation of Dr. Smith,

and the luminous, though less correct arguments of Mr. Hume (apparently more familiar to our author), have failed to undeceive.

The remaining part of Mr. Wheatley's work does not require so minute a consideration;—the subjects which it discusses are more concise, and the discussions themselves more consistent. This, however, is the department in which we meet with the greatest portion of error: and the general conclusions are here as unfounded as those of the former chapters were self-evident. The two leading doctrines of Mr. Wheatley, in this part of his speculations, are, the rapid progressive depreciation of currency, and the necessity of a reformation in the paper circulation of Great Britain. The former of these topics he has needlessly divided into two discussions, separated by the latter. We shall offer a few remarks on both his theories, in the order just now mentioned.

I. It is well known to our scientific readers, that Dr. Smith made use of the average prices of grain, as the most accurate measure of the value of the precious metals at different periods. His reasons for adopting this standard, were partly drawn from his peculiar habit of considering labour as the only measure of value, and partly from those circumstances in the nature of grain, which render it of all commodities the most constantly exchanged, the most frequently compared with money, the most regularly demanded at all times, and the most universally used in all places. The common opinion, that silver had been sinking in value, with more or less rapidity, ever since the Romans left Great Britain, was therefore examined by Dr. Smith, and refuted, upon a comparative view of the money prices of grain. He endeavoured to show, that, as the increase of corn had outstripped the supply of the precious metals before the American mines were discovered, the value of silver was rising previous to that event;—that, since the influx from those mines completely produced their effects upon prices, the value of silver has again begun to rise, or, at least, is by no means falling;—and that all the additions which continually come from thence, are absorbed by newly formed or improved com-

munities; consumed in manufacture; lost during transportation; or carried away to the markets of Asia.

To the conclusions of Dr. Smith, Mr. Wheatley, who does not appear to have read the celebrated digression concerning the value of silver, and who calls the adoption of corn, as a standard, an *assumption*, opposes the table of prices drawn up by Sir George Shuckburgh Evelyn, which he terms a masterly refutation, and an acquisition highly honourable to the literature of the age. Upon the results of the table, with regard to the constant depreciation of currency since the Norman conquest, our author builds all his arguments. Without any hesitation, he draws the most startling inferences; and never stops a moment to inquire what may be the solidity of the document on which he has founded so lofty a mass of new doctrine.

As money, says he, is now above 25 per cent. less valuable than it was at the end of the American war, a monied income or capital of 400*l*., has, since that period, become worth less than three. A landlord may raise his rent at the expiration of his leases; but, in the mean time, his fortune is daily decreasing, in proportion to the length of the tenant's bargain. All annuitants in the public funds are becoming poorer; the country nominally gives them the stipulated interest, but in reality only fifteen shillings in the pound, if the money was invested twenty years ago, and not nine shillings, if it was invested at the beginning of the eighteenth century. The salaries of officers are reduced at the same lamentable rate. The value of the capital lent to Government diminishes in the same proportion—a proportion which is rapidly increasing; but if only the present rate continue, in half a century the whole national debt will be paid off, except one shilling in the pound. Against the injustice of this method of liquidating our debts, Mr. Wheatley inveighs with considerable warmth; and expresses his hopes, that instead of continuing devoutly to wish for this great consummation, the public will have their eyes so far opened, by the calculations of Sir G. Shuckburgh, that the fear of the debt being paid too soon will alone be felt.

Such, though somewhat condensed, is the substance of

the two chapters upon the depreciation of currency. They are altogether composed of corollaries to Sir G. Shuckburgh's table; and we conceive that the easiest way of quieting the fears of those who may partake in our author's apprehensions, and of exposing the radical fallacy of his ingenious system, will be to examine the table. It has indeed excited much less notice than it deserves, if it is entitled to the least share of the confidence thus liberally bestowed by Mr. Wheatley.

Sir G. Shuckburgh published his table, in the very valuable paper which he communicated to the Royal Society, upon the methods of ascertaining a standard of weights and measures.[1] In this inquiry, the table forms a kind of digression; it is casually introduced; it does not seem to be marked by the same accuracy which distinguishes the main body of the paper; the documents are only referred to in the most general way; and, far from appearing to have taken the general views which must influence all speculations about the analysis of price, he does not seem to be aware of the scientific nature of his subject: He prefaces the table by an apology for descending below the dignity of philosophy; addresses it to the historian and antiquary; and though he alludes to the writings of Smith and Stewart, yet he appears only to have consulted them in order to pick up detached sums and dates.

The first column gives those years (that is, *single years*) from 1050 to 1795, for which he has lists of prices: the next gives the average price of wheat; the next twelve give the prices of twelve other articles; then follows a column with the mean prices of those articles; a column with the prices of husbandry labour, and another with those of beef and mutton. The remaining columns exhibit the comparative view of the value of money, according to these various prices in the *seven* years for which alone he has tolerably full lists of prices, viz. 1050, 1350, 1550, 1675, 1740, 1760, and 1795. And, from the results of this comparison for these few detached years, he forms, by interpolation, his table of depreciation.

Now, it must be observed, in the first place, that the

[1] Phil. Trans. 1798, Part I.

prices are only obtained from the averages of single years, and that of these there are only six, beside the year 1550, which is assumed as a standard. This is a radical objection to the whole calculation. We know well how much prices vary from year to year; and how difficult it is to find any lists of them in ancient authors, unless when the motive for recording them was the extraordinary cheapness or dearth. It is plain, too, that beside variations from scarcity, different circumstances of a local or temporary nature operate, at particular periods, to raise or depress the prices of commodities. Thus, it actually happens that the three last of the seven years were seasons of extensive warfare, and that two of these were years of uncommon scarcity, as well as foreign war. The consequences of forming a calculation from single years, may be perceived in the erroneous conclusions to which the column of corn prices would lead us. The price of wheat for 1350, is the very same with that for 1550, according to Sir George Shuckburgh's own account; yet Dr. Smith has clearly proved, not from the state of the corn-market for two single years, but from a variety of general tests, corroborated also by a series of successive facts, that during this very interval the money price of wheat was regularly falling from twenty to ten shillings the quarter.

But farther, the list of prices in the different years are not equally complete: the mean value of money is estimated from five articles only, together with wheat in 1050, the first year of the series; and from eight articles, together with wheat and day labour in 1350. Two of the twelve miscellaneous articles are, ale and small beer; commodities of which the prices are extremely complex, and influenced indeed by the operation of direct taxes. According to the table, the price of the former doubled between 1650 and 1675, while that of wheat fell in the proportion of eleven to nine. The price of beef and mutton increased between 1740 and 1760, in the proportion of two to three. During the same interval, the prices of oxen, cows, and sheep, scarcely augmented sensibly; the rise was only in the proportion of three hundred and forty-three to three hundred and forty-seven.

Some inferences may be drawn from the table, which are in our apprehension equivalent to a *reductio ad absurdum*. It would follow, for example, from a comparison of the price of labour in husbandry with the price of wheat at different times, that the lower orders were in a better condition a hundred years after the Conquest, than they were during the latter part of the American war. A day's wages could, at the former period, purchase nearly half a bushel of wheat: at the latter period, the same wages could purchase little more than a quarter of a bushel.

As Sir George Shuckburgh has not detailed the particulars of his *data*, or described the methods by which he formed his mean estimates of articles for each year, we cannot decide with respect to the limits within which he may have attained an accurate calculation. But we may be permitted to doubt the possibility of getting tolerably just averages of the prices of such commodities as vary extremely in quality, or in quantity, or in both. Of the first kind is cheese, and perhaps malt liquors; of the second, oxen; of the third, horses. In consequence of these considerations, we are the less surprised to find that the table of depreciation, rashly constructed, by interpolation, from such scanty and deceitful materials, is inconsistent with some of the very *data* which are given in the larger table, but not used in the calculation. The value of money for 1550 being 100, its value for 1150, by the interpolation table, is 43. But if its value is calculated from the prices of cattle in the larger table, it is only 33; and from the prices of cattle and wheat together only 31. The one table gives 88 for the value in 1450; the other gives 100 or 95, according as we take the price of cattle singly, or that of cattle and wheat together.

But there are various objections of a more general nature to the whole plan of this table, which must already have forced themselves upon our readers. If the depreciation of money is to be estimated from the rise in the money price of commodities, an allowance is necessary for the effects produced upon price, by the variation in demand and supply, which takes place according to the

progress of society, and the different circumstances in its situation. If articles of various kinds are differently affected by these changes, the average of the whole variations of money price will certainly not give any approximation to the variations in the value of money. If one article has grown cheaper, in consequence of improvements in the mode of raising or manufacturing it, and another has grown dearer in consequence of a decreasing demand, and diminished attention to its production or fabric, although we should admit that specie has all along been growing more plentiful, so as to counteract the effects of the former circumstances, and to assist those of the latter, the medium of the change produced in both cases will evidently furnish no document of any such increase of specie. It would be absurd, therefore, to estimate the proportion of this increase, by averaging the contrary effects of opposite circumstances altogether independent of the state of currency; or, which is the same thing, to take a medium between an increasing and decreasing series of prices, as a test of the variations in the standard of money. The same remark may be made with respect to averages of increasing series of prices, and prices which are stationary, or which alternately increase and decrease. Yet, in the table of Sir George Shuckburgh, some of the articles are nearly stationary, as wheat; others most rapidly increase, as cattle; others, as poultry, first increase, and then decrease. If wheat and malt liquors are assumed as *criteria*, while their circumstances vary according to laws so different from those which affect the other commodities, it seems difficult to discover why other articles, such as various manufactures, should not be admitted to influence the calculation, since they are much more similar to grain and liquors, than they are to the produce of pasture land. With respect to the value of money in a larger sense, the quantity of comforts and conveniences which it can purchase, has surely been, upon the whole, greatly increased during the period which has elapsed since the discovery of the American mines produced its greatest effect. Many of the necessaries of life have also become cheaper; and some commodities have

been disclosed to us, which may be substituted for those necessaries.

Taking this complex view of the subject (and we can scarcely venture to think that any other is compatible with the nature of the question,—at all events, we are sure that nothing like proportions can be ascertained in so great a mixture of causes), it should seem that the value of money has, upon the whole, not decreased in any *ratio* similar to that of Sir George Shuckburgh's table, even admitting his *data* to have been sufficiently extensive, and his mode of computation quite correct. This supposed fact, of the great depreciation of money, is one of those which may be safely admitted, only in so far as they can be accounted for. The continued influx from the American mines, has been demonstrated by Dr. Smith to be quite inadequate to produce any progressive effects upon the general prices of commodities in the European commonwealth. No one now conceives it possible to effect any partial rise of prices by the increase of specie currency. The augmentation of paper money is proposed by Mr. Wheatley as the cause of that enormous depreciation which he maintains, or rather assumes, to have taken place. But this is both inconsistent with the facts on which his speculations are founded, and repugnant to more general principles. It is inconsistent with the facts; because, according to Sir George Shuckburgh's table, the rate of depreciation was much more rapid during the century after the Conquest than during the century after the Restoration; during the period when neither new mines were discovered, nor paper currency existed, than during the period when, according to Mr. Wheatley, the effects of the newly discovered mines were succeeded by the still more powerful influence of the paper system.[1] The explanation of the

[1] We must attend, in this estimate, to the period between 1675 and 1760, and not to the period ending 1795 or 1800. All the numbers after 1760 are interpolated by the aid of the mean for 1795—a year of such extraordinary scarcity, according to the table itself, that the average price of wheat was nearly double its medium price in 1780.

supposed rapid decrease, by the effects of paper currency, is no less inconsistent with the most obvious views of the manner in which the general depreciation of currency is effected by the disproportionate issue of paper. For if that issue becomes so great, as to cause a rapid depreciation, the market price of the precious metals must rise proportionably above their Mint price, and the specie must either be withdrawn from circulation altogether, or a permanent discount must be established between coin and paper currency: neither of which effects it is pretended has taken place.

It is impossible, therefore, to account for the supposed depreciation upon any principle hitherto proposed; and we have endeavoured to show, that the evidence upon which the supposition rests, is of the most flimsy and suspicious nature. There can remain no doubt, then, that the conclusion must be given up which Mr. Wheatley has confidently built on such grounds; and we may add, that even if the whole extent of the *data* were admitted, the fallacy of some positions would remain incontestable. It would still, for example, be erroneous to consider the gradual extinction of the national debt, by the depreciation of currency, as a breach of public faith, or to omit the consideration of those changes confessedly beneficial to annuitants, which are daily taking place in the price of various commodities, or to rank the adjustment of wages among the duties of the legislator, as Mr. Wheatley very distinctly does in p. 196.

II. The other fallacies into which we conceive our author has fallen, upon the subject of paper currency, are by no means so remarkable, either for novelty or boldness, as that which we have just been examining. The excess of paper he imputes to the progress of taxation; and, after many eulogies upon the constitution of the Bank of England, while it remained the sole regulator of the paper circulation of the country, he ascribes the difficulties under which the Bank has laboured, as well as the whole commercial and financial embarrassments of the nation, during the late war, to the increase of country banks, and the permission of their notes. These banks, he contends,

in times of tranquillity, enlarge their issues too much; and, in times of alarm, contract them to a proportionable degree. Their notes are, in such emergencies, more liable to suspicion than Bank paper. The effects of the distrust excited by these, reaches the Bank, whose issues are thus extended in consequence of the country paper being depreciated, as they are contracted from its redundancy in prosperous times. The same redundancy, he adds, increases all those bad effects of paper currency, which we have already referred to. In order to render this reasoning conclusive, Mr. Wheatley must prove,

*First* of all, That the right of engaging in an important department of trade, ought to be confined by Government to one great mercantile company, merely because private individuals may overtrade in this, as in every other line.

*Secondly*, That the trade of banking is so very peculiar in its nature, as to destroy all prudence, and even to obliterate the fear of failure, in those who undertake it.

*Thirdly*, That the Bank directors are likely to know the credit of those whom they deal with, better than the merchants in country towns know that of their customers; and are likely to superintend the whole circulation of the community more accurately of themselves, in the metropolis, where they have each separate concerns, than when assisted by the vigilance of four hundred agents in different quarters, whose lives are devoted to the task.

*Lastly*, That the central bank has not a sufficient control over all country banks, when at every moment its notes bear to theirs the same relation that specie bears to its own; more particularly, when its obligation to pay in specie has been suspended, without any analogous suspension in favour of the country banks. It is indeed absurd in the extreme, at present, to complain of the country banks increasing the paper currency beyond its just bounds. Until they also shall be absolved from the obligation to fulfil their contracts, no advocate for the Bank of England ought to hazard an allusion of this kind. These establishments still remain under the various checks, which secure the honesty, and quicken the prudence of every private trader. They have the most powerful

inducements to pursue the line of conduct most beneficial to the public, and the best means of discovering the direction in which that line runs. To expect, from their thoughtlessness and avarice, a general depreciation of the currency, by a universal over-issue of notes, would be as ridiculous, as to suppose that the Oporto merchants will ever deluge the country with port wine.

Before taking leave of Mr. Wheatley's treatise, we must again express our disappointment at the scantiness of the new matter which it displays, upon so various and important a field of inquiry, after the splendid promises of the preface. The minuteness, however, with which we have gone through almost all his reasonings, is a sufficient proof that we value his performance more than the common ephemeral publications on political topics. And as he has evidently paid considerable attention to a subject, removed, by its manifold difficulties, above the reach of ordinary reasoners, we trust that he will continue to prosecute his speculations, until he shall make some real addition to this important branch of science. The style of the tract is extremely careless, and in many parts tainted with a disagreeable vulgarity of expression. It is frequently deficient in grammatical purity; and for these imperfections, it only atones, by a very laudable sacrifice of all pretensions to ornament. But, in a work of this nature, these are very trivial faults; and we should not have even thus shortly hinted at them, had we met with much to gratify us in the more substantial parts of the entertainment.

# NATIONAL DEBT.

(January, 1804.)

*The Substance of a Speech intended to have been spoken in the House of Lords, November* 22, 1803. By R. Watson, Lord Bishop of Llandaff. Second Edition. Pp. 46. 8vo. London. Cadell and Davies. 1803.

The deservedly high reputation which Bishop Watson has obtained in the literary world, and the liberality, of which he has exhibited so many specimens in the field of controversy, induce us to pay the highest degree of respectful attention to everything that comes from his pen. We trust it will not be deemed inconsistent with such sentiments of respect, if we express some regret that he should now condescend to a popular discussion of certain political topics, infinitely below the dignity of his scientific powers, indeed, but apparently beyond the sphere to which his studies have extended. There is little in this unspoken speech calculated either to edify or to rouse. The style and manner are not remarkably original, nor are the illustrations distinguished by any peculiar felicity. The general political doctrines, what we usually call the political principles, are no doubt perfectly sound, and the polemical matters touched upon, are treated with admirable temper and candour; but the topics of consolation to which the Reverend author resorts, are in the last degree chimerical; his counsels are vague, and even extravagant—we had almost said thoughtless. The practical expedients which he recommends in the present crisis of affairs, are evidently inconsistent with a sober view of the circumstances, and repugnant to the most obvious principles of political science.

The exordium and peroration of this speech are so peculiarly adapted to the circumstances under which it does *not* come before us, and are so much at variance with the fact, of the speech having been written for publication, that it requires all our reverential feelings towards the author to suppress a smile at the incongruity.

"My Lords,

"In obedience to his Majesty's commands, and in compliance with my own sense of public duty, I this day appear in my place in the noblest assembly upon earth, convened by the most gracious monarch that ever sat upon a throne, and required to deliberate upon the most important subject that ever occupied your Lordships' attention, or that of any of your predecessors in this House.

"I, my Lords, could have been well contented to spend the little remainder of my life in retirement, and buried in obscurity; indifferent, alike, to the calls of professional emolument and professional ambition: but I cannot be contented to remain indifferent to the summons of my sovereign, in a time of distress; deaf to the calls of my country, when its existence is endangered.—Endangered we all know it to be: but where is the dastardly soul (none such, I am confident, is to be met with amongst your Lordships; none such, I hope, is to be met with amongst any of those in whose hearing I now speak)—Where is the dastardly soul, who accompanies his prospect of danger with a feeling of despair?"

After describing some of the evils which would follow a successful invasion of this island, in very glowing language, sufficient, indeed, to animate with British feelings any one who may still be insane enough not to deprecate from the bottom of his soul the most calamitous of all imaginable events,—his Lordship thus brings his intended oration to a close.

"Such, my Lords, would be the final event of a successful invasion of this country by the republic of France. I have in some degree described it, but I do not in any degree expect it; I expect the direct contrary. My hope and my firm expectation is, that, instead of success, the enemy will experience defeat; instead of triumph, disgrace and ruin; that, under the good providence of God, the arms of Great Britain will not only preserve her own independence, but be instrumental in exciting the spirit of other nations to recover theirs, and eventually contribute to the establishing the true liberty, and promoting the true prosperity, of France itself.—But on this subject I forbear.

"And now, Illustrious Peers of this mighty empire! Venerable fathers of our most venerable Church! I beseech you individually to pardon me, if, in the warmth of my zeal for the public safety (never more endangered than at present), any expression has

expend an unworthy the dignity of your rank to bear unbecoming the decorum of my station to utter. Little more can be expected by the country from a man of my age, except from his prayers, and mine shall never be wanting for its preservation, and for peace among mankind."

We are informed in the advertisement, that it was Bishop Watson's "full intention to have followed the substance of the speech in the House of Lords; but that, as he proceeded, he found it impossible to comprehend, in a short speech, all he wished to state; that he was unwilling to take up the time of the House with his speculations, and therefore has adopted the present mode of giving his sentiments to the public." We shall now lay before our readers the result of these "speculations."—The substance of them appears, indeed, to have been long of not unreasonable weight by the Reverend author, and, in behalf of the most objectionable of his propositions, he cannot justly plead the pressure of other cares, or the hurry of extemporary composition; for it is now six years since he gave it to the world in another form.

After some splendid declamation, in our opinion not very necessary, against the conduct of that people whose spirit of universal domination has left them without one sincere friend, and whose mean submission to domestic tyranny has effaced the transient admiration excited by their conquests, our author proceeds to exhibit his opinion upon the measures fit to be adopted in the present crisis of British affairs—"those means which, in addition to our present exertions, may help to avert the catastrophe from ourselves."

The first expedient which he suggests for the salvation of the country, is, that the first class under the Defence Act should be called out, and trained to arms, but merely as a temporary measure, but in all time coming, after the danger which now threatens us shall have passed away. It is, no doubt, a little singular, that one of his grand remedies for a present and pressing evil, should consist in a plan of future improvement. Great Britain is attacked by the most powerful and victorious nation in the world; she is left to fight single-handed against all the force that such an adversary can send out; the other states, either

jealous or overawed, stand back to wait the issue of the combat; in a few weeks, this momentous strife is to be decided on our own shores; the case has become extreme, beyond the reach of all former calculation; we meet the emergency by proportionate exertions; and, left to the strength of our own arms, we are calling forth all our domestic resources, in hourly expectation of the tremendous affray. Yet all this, says Bishop Watson, avails you nothing: you must continue a similar degree of active preparation after the crisis has terminated favourably;—you must become more a military people;—this is your only chance of being saved. But, let us see what is this nostrum which is prescribed during the paroxysm of disease, and is, it would appear, to effect a present cure by a subsequent improvement of the constitution. Our author proposes, that, annually, 50,000 youths, who had attained the age of 17 during the preceding year, should be called out and taught the use of arms; and that, after six years, they should be dismissed as *emeriti*, except when the public service required their assistance. In this manner, he thinks a body of 300,000 young men would easily be trained in six years, and, after that, a constant succession of the same number would be kept up; so that the nation might become sufficiently military, to defy all its enemies, by drilling a portion of its youth a few days every year.

This project, as thus described, impresses us, in the first place, with a very unfavourable idea of our author's skill in political arithmetic. How could he imagine that, by annually raising 50,000 men, we shall have a force of 300,000 at the end of six years? He cannot reasonably expect that there should remain more than 260,000 fit for service, allowing for deaths, casualties, and emigration. But, admitting the same numbers always to be kept up, by whatever means;—it is not surely a few days' training that can render the nation sufficiently military to cope with the best standing armies in Europe. If, on the other hand, this militia rotation is proposed as a succedaneum for the ancient militia, and not for the standing army, it is scarcely conceivable that our author should think of embodying a military force of such extent by compulsion, without the

admission of substitutes; and if it is only intended to supersede the extraordinary modes of defence, by volunteers, or a levy *en masse*, we are at a loss to perceive any great novelty in the plan, unless that it very much limits the extent of the usual methods of arming the people, by beginning with a small number of recruits, and teaching that art gradually to a few, which ought as soon as possible to be communicated to all. We suspect that if our author had pursued the idea with his accustomed acuteness and precision, his project would have terminated in a recommendation to encourage as much as possible the volunteer system, or perhaps to enforce the General Defence Act in times of peace, as well as at the present critical moment; and whatever may be the merits of such counsel, we cannot very well perceive that its originality claims the solemn statement with which he honours it in these pages.

Another expedient suggested by the Reverend author, is to conciliate the Irish Catholics without irritating the Protestants; and his ideas upon this subject are truly enlightened and liberal; being indeed the only definite plan sketched out by him for accomplishing the very desirable object in view.

> "Justice, I think, may be done to the Catholics, without injustice being done to the Protestants.—The Protestant clergy may continue to possess the tithes of the country; and the Catholic clergy may be provided for from the public exchequer of the empire. I see no danger which would arise to the Established Church from some such arrangement as this; and it would, probably, be attended with the greatest advantage to the state. We think the Catholics to be in error; they think the same of us. Both ought to reflect, that every error is not a criminal error, and that their error is the greatest who most err against Christian charity."—pp. 25, 26, 27.

In order to effect the same great purpose of securing unanimity among the different religious persuasions of this island, by measures of justice and moderation, our author next recommends, in very powerful language, the repeal of the Test and Corporation Acts. Without expressing the slightest suspicion of the Dissenters, and without wishing to exaggerate their numbers, he thinks them "too loyal to be treated with distrust at any time, and too numerous to be soured by neglect at this time." Now, whatever may

be our opinion with respect to both of these grand questions, we will venture to affirm, that a more singular idea never entered the mind of a practical statesman, than that of obtaining unanimity in a season of imminent public danger, by stirring a discussion of the points at issue between contending sects. If, by the force of reason Bishop Watson believes it possible to lull the jealousy of the Irish Protestants and English High-churchmen—if he thinks a vote of Parliament, in direct opposition to all the rooted prejudices of those powerful parties, will be received with perfect contentment by them, as well as hailed with exultation by their adversaries—then may he expect, from the adoption of his proposal, an augmentation of the cordiality which now universally prevails from a suspension of the controversy. But surely when the enemy is at our gates, and when happily no backwardness is displayed by any sect in the preparation for repelling him, it would be a strange policy to lay down our arms, and set about investigating grievances, in order that we may increase the cordiality of a small part of our people, by alienating, or at least irritating, all the rest. At another time, it would not unbecome Parliament to regard the prevailing prejudices which have so long oppressed the dissenting interest, more especially in the sister kingdom. But, in the present critical emergency, all prejudices are to be weighed by the proportions of those whom they sway; and what our author terms the "neglect of the Dissenters," is only the salutary waiving of a discussion, that would certainly estrange one great body of men from the common cause, in whichever way it might happen to terminate.

Hitherto we have only seen our author recommending expedients of defence, which are by no means original, unless in the singularity of their application to the actual situation of affairs. We now come to his financial scheme, by far the most striking of the whole; and surely as novel in itself, as extraordinary in the moment of its suggestion. Bishop Watson proposes that we should take the present opportunity to pay off the whole of the national debt.[1] He

[1] He qualifies the proposal by saying, "or, at least, that part which has been added to it by the Seven-years' war, by the American

urges, in behalf of this bold scheme, a good number of declamatory reasonings; such as, the terror with which so grand an operation would strike our enemies, and the advantages of lessening the "great imposthume growing on the body politic," before its bursting proves fatal.

Leaving such vague topics, which we confess ourselves not altogether able to comprehend, we wish to examine a few of his more plausible arguments in favour of the great measure. It would, he maintains, lessen the luxury of all ranks; it would preserve the middle classes of the people from the ruin, or emigration, to which enormous taxation is reducing them; and it would save money to all who pay taxes, by freeing them from the burdens which are imposed, in order to defray the charges of management.

Of these effects, which our author supposes would follow the redemption of the national debt, we may remark, that the two last are, in fact, one and the same thing, and are directly at variance with the first. If the measure is to lighten the burdens of the middle classes, it can only do so, by freeing their incomes from the operation of that part of the taxes which goes to pay the charge of managing the debt; and this is exactly the saving which our author points out as the third advantage. On the other hand, supposing the income of individuals to gain all this part which shall thus be saved from the necessary revenue, the consequence of more easy circumstances, or a greater free income, is not likely to be the diminution of luxury. But we shall pass over the obvious inconsistency and confusion that prevails in this statement of the argument, and compare the advantage which the plan certainly possesses, that

war, by the last war, and by this."—But, in fact, more than the debt existing previously to the Seven-years' war (about seventy-two millions funded) has been redeemed since the year 1786, by the joint effects of the sinking-fund and the sale of the land-tax. The latter operation has freed the nation from the burden of the interest, as well as principal, of above eighteen millions; the interest of the stock purchased by the former operation continues indeed to be paid, but would instantly cease, were all the debt, contracted since the peace of Aix-la-Chapelle, redeemed; so that we may consider the payment of that debt as a clearance of every incumbrance, and the Bishop's proposal as a project for the redemption of the whole national debt.

of saving the charges of management, with the various evils which must necessarily arise from its execution, and the unsurmountable difficulties which lie in its way. Bishop Watson, it may be remembered, first brought the scheme forward, in the excellent Address to the People of Great Britain, which he published six years ago, and of which, he informs us, above 30,000 copies were circulated. We take our ideas of the plan from that tract, as well as from the present, in which, after mature consideration, he has thought proper again to urge it.

Some projects may be considered apart from the means suggested for their accomplishment; and we may frequently decide hypothetically in favour of a measure, without examining the means proposed for its execution; because the advantages of the end may be very obvious, while the means proposed for its attainment are exceptionable; and yet other methods may possibly suggest themselves afterwards, when the ultimate object is allowed to be desirable. But this is by no means the case with the scheme now under consideration. It cannot be viewed abstractedly from the mode of its execution; because, admitting all the advantages ascribed to the sudden liquidation of an enormous national debt, there is only one possible mode of effecting it—a heavy imposition upon capital. If the national debt is at all burdensome, it must be irredeemable by any taxes which fall upon the national income; if it is advantageous to pay it quickly off, that rapid payment can only be made by levying contributions, which must fall upon the capital stock of the country, without the possibility of being shifted upon its annual revenue.

To such a tax it is perhaps a sufficient objection, that it must fall permanently and ultimately upon one class only of the community—the proprietors of stock and of land. The merchant and manufacturer will be assessed in proportion to their capitals, the landlord in proportion to his estate, and the cultivator in proportion to the stock which he employs in improving the ground. All those who live upon income not arising from fixed and realised capitals, are necessarily exempted from the operation of such a tax. Of this description are all annuitants and office-bearers;

labourers, not merely common workmen, whom no ordinary tax of compulsive operation can finally affect, but those who are paid in proportion to great skill and experience, acquired from long apprenticeship or the previous expenditure of capital, whose profits arise from a stock not actually extant, and who are better able than almost any other class to pay their share of ordinary contributions; traders on borrowed capital, including dealers on consignment—perhaps we may add the smaller retail-dealers, whose profits bear little or no proportion to their capital. It is evidently in the highest degree unjust, that these orders should be exempted from the operation of a tax which is intended to free them, as well as the capitalist, from a certain annual burden; that, while the capitalist only gains by the measure the difference between his share of the old taxes and the profits he might have made on the capital which he surrenders, the annuitant should gain his whole share of the old taxes; that one class of the community should alone contribute to defray expenses formerly incurred for the benefit of the whole. It may be imagined, perhaps, that the proprietors of stock will, in some cases, be able, if not to shift the payment of the tax from themselves, at least to derive from the annuitants, who share in the profits, an addition to their income proportioned to the contribution levied on their capital. Thus, it may be supposed that the proprietors of capital lent to traders, will demand a higher interest for the part which remains after payment of the tax; and that the stockholders, who allow inferior capitalists to derive a profit from commission, will diminish that allowance. But a little consideration may easily convince us, that this effect never could take place. The rate at which stock can be borrowed in any country, depends, it is now understood, upon the quantity which the owners have to lend, and the extent of the demand on the part of the borrowers. Now, the imposition in question, by increasing the income of those who are not capitalists, has a tendency rather to diminish than to increase the demand of the borrowers, and, in this way, to lower the rate of borrowing. On the other hand, the quantity of stock itself not being at all diminished by the mere transfer of it from the ori-

ginal owners to the former creditors of the public, it is impossible that the lenders can command a higher market for it than is naturally fixed by the combination of these two circumstances. In like manner, those who formerly traded on commission will receive consignments to the same amount, either from their former correspondents, who will now partly trade on borrowed capital, or from such of the public creditors as have vested their stock directly in business. In the one case, the former correspondents pay interest for the loan, and must allow the same commission; in the other, the consignees have only made a partial change of correspondents. If every plantation in Jamaica were divided between two proprietors, their consignees in Britain would rather receive a higher than a lower commission, because the competition of proprietors would be somewhat increased; and if the capital of each merchant who supplies the planters with loans were subdivided in the same way, the rate of interest would be diminished, rather than increased. The same observations apply to all who derive a revenue from labour of any denomination. The capital and wealth of the country remaining the same, the demand for their services will not diminish. The yearly fund destined to support them cannot be contracted or diverted, by the circumstance of not passing through the hands of government. The persons of this class, whose skill and industry are subservient to the employment of stock, resemble the traders on consignment, with this difference, that their capital cannot be taxed. The other persons of this description, who minister to the indulgence or weakness of the rich, may be compared to traders on credit, who save indolent or impotent capitalists the cares of managing their returns. All these traders or labourers will continue to draw the same income as formerly; while they are relieved, without any sacrifice upon their part, from the whole burden of their present contributions to the government. One class of the community will thus become liable for the principal, in order to save part of the charges of management, and to free all the rest from their share of the interest.

But this is not the only inequality which necessarily

attends the operation of such a tax. Capitals of every extent are peremptorily assessed in the same proportion; the care with which middling and inferior proprietors have been spared by all wise financiers is at an end; and the burden of the new tribute falls upon those who have hitherto been deemed unable to bear a compulsory diminution of income. Stock of different descriptions, too, will suffer in a very different degree by a loss of the same proportional part. So that, while the landholder may sell part of his estate, in order to pay the tax, without diminishing the rent of the remaining part, the merchant is thrown entirely out of his present line of business by any considerable variation in the amount of his capital. This grievance will also fall with different degrees of weight upon different proprietors of land, and merchants in different lines of business: so that scarcely any two capitalists will be affected in the same proportion by the immediate operation of the assessment, or by the ultimate consequences of the diminution.

Hitherto we have supposed that the immediate redemption of the national debt would for ever after free the country from the charges of management. But this is only true in a certain degree. The blank occasioned by the transfer of capital must be, in a great measure, filled up by the creation of private debts; and the expense attending the management of these must be defrayed by the debtors. Less waste and extravagance would unquestionably attend this arrangement; the whole expense, too, would be much more limited; and a most important check would certainly be given to the influence of the Crown. It deserves, however, to be considered, that the kind of men whom this change would enrich, are not much more favourable to the peace and wealth of the community, than tax-gatherers and public functionaries, against whom such invectives have been directed. Pettifogging attornies, with the whole tribe of money-dealers, are exactly that class of the people whom a good citizen would wish to see diminished in numbers and importance: and of all the kinds of labour which some writers have denominated unproductive, the labour bestowed on litigation is perhaps the least beneficial to

society. Besides, we confess that, sincere as our attachment is to the ancient privileges of the people, we cannot contemplate, without some alarm, so sudden a shock as the power of the Crown must necessarily receive by the measure. We can call the projected reduction of patronage, by no other name than a violent change in the balance of the Constitution; and this consideration alone should have no small weight with us, in these times, when the unhappy experience of our neighbours has so strongly recommended to practical statesmen that predilection, which every wholesome theory had long before encouraged, for the most gradual alterations in political systems.

The sudden shifting of immense capital which we have now been considering, cannot fail to strike every sober reasoner with great alarm, independent of the inequality with which the shock must operate. The statement of a few obvious circumstances may enable us to perceive how carelessly Bishop Watson, and the other projectors who so loudly declaim in favour of such measures for liquidating the public debts, have formed their opinions on this momentous subject. In contrasting with such violent schemes, the plan of gradual redemption by a sinking fund, we by no means wish to be understood as adopting for a model the particular modification of that plan which has been introduced into the financial affairs of Great Britain within the last twenty years. Without entering into any discussion of the comparative merits of the different sinking funds which have been recommended, we shall refer, merely for the sake of illustration, to that of which experience has exemplified the effects.

The public debt of this country has been contracted during seasons of difficulty and embarrassment, when the monied interest had a ready market for their capital, and the public revenue, including the funds allotted to the payment of the interest, naturally laboured under a greater or less degree of suspicion and discredit. Partly in consequence of this distrust, and partly from the demand for money, the new lenders have always extorted much better terms than they could have procured at other times, by relieving former creditors of their share in the old

loans; and somewhat better terms than they could have obtained, even at those times of difficulty, by purchasing shares in former loans. Thus, every sum of money which the public has occasion to borrow during periods of extraordinary national expenditure, that is, all the sums which the state ever has occasion to raise by loan, are necessarily procured at a very considerable disadvantage, the debtor receiving a premium not only beyond what he would have obtained by lending his money in ordinary times, but even beyond what he could obtain by investing his money in the other loans at their present discount. Financiers have still farther increased this disadvantage, by funding in those stocks which bore the greatest discount and a lower rate of interest; and, in order to diminish the amount of the taxes required for paying the interest of the new debt, they have generally scrupled little about making a needless addition to the principal.—The loans made during the American war are now universally allowed to have been negotiated on terms peculiarly injurious to the revenue; and it is the opinion of many impartial persons, that, during the last war also, our finances would have suffered much less had the burden of the loans been thrown more upon the interest, and had smaller premiums been given in the form of capital. But be this as it may, the fact is undoubted, that whenever the state borrows, a nominal capital of debt is created, considerably greater than the sums received and employed in the public service. So long as the nation is only burthened with the annuity payable upon this nominal capital, the interest at which it has raised the money is not exorbitant, although the loans may have been made at high premiums, because the interest is considerably under the market rate when stocks are at par. But if the principal of the debt is to be paid at par, the nation loses the whole difference between the sums really advanced and the capital created, which in every case must be very great. Thus, during the American war, and for the payment of the surplus expenses after the peace, nearly 97½ millions were funded in the Three and Four *per cents.*; sometimes without any other premium than what necessarily arose from the low price of those stocks at the

time, sometimes by the grant of a premium in the form of short or of long annuities; and, making no allowance on account of such premiums, the sum actually received for the capital, added to the debt, amounted only to 75½ millions. If, then, this debt were redeemed at par, the nation would lose nearly 22 millions, besides a further loss on navy bills, &c., funded after the peace. During the last war, the stocks having been still lower, and the Three *per cents.* more resorted to in proportion, the difference between the money received and the capital created, was still greater. If we suppose the average price of the Three *per cents.* to have been sixty (that is, three *per cent.* higher than the average at which the operation of the sinking fund was carried on), the nation would lose above sixty-three millions by redeeming at par the stock created in the Three *per cents.* alone, previous to the 5th of April 1801, and independent of the Imperial loan. It is certainly not estimating too high the whole loss which such an operation must occasion, when carried through all the branches of the debt now funded, if we reckon the difference between the par, and the money advanced, at a hundred millions sterling. Nor would it be possible to make any deduction to this amount in paying the stockholders; for, in the first place, the constant transfer of funded property prevents us from discovering who are the actual gainers of so enormous a premium; and, next, though we could get at these, it would be a direct violation of the faith upon which they lent their money to government. It has just now been taken for granted, that the redemption is made at par. That this will be the case, we cannot entertain any doubt. The necessary effect of the sudden payment of the debt must inevitably be, to restore the par in all the permanent funds, and to raise much higher than par the stock which is not redeemable, as the life annuities, and the long and short annuities.

We need scarcely remark, how different the operation of the sinking fund is in all these respects. With a pace gradually accelerated, it encroaches upon the capital of the debt; and, hardly influencing the price of stocks, it silently transfers the property from the creditors to the govern-

ment. This transfer is made in small portions, at different times; so that the lowest fund, or the fund which is lowest in proportion to its profits, may always be chosen. During a long war, a vast portion of the debt may be purchased by the Commissioners at a lower rate than that at which it was funded; so that while the nation is borrowing at a disadvantage, it is in the same degree reaping a benefit from discharging former incumbrances at little cost. After a very great part of the stock has been purchased by the Commissioners, the remainder will indeed rise higher than it would have done if the same stock had continued in the possession of men who often brought it into the market: But the change is so slow, that a number of channels, now empty, must be filled, before the difficulty of obtaining employment for capital shall occasion a glut in the stock market. When a resolution to pay off the debt in four years is suddenly formed, 3 *per cents.* being at sixty, every proprietor knows that, by holding out, he must gain 40 *per cent.*; while he receives, in the mean time, 5 *per cent.* of interest. When the payment is effected by the slow transfer to the sinking fund, proprietors know that they cannot force their stock upon the Commissioners at par. In the former case, monied men will eagerly strive to get a share of the funds before they are near par, knowing that, by this purchase, their gain is sure. In the latter, they may gain one or two *per cent.*, and then be obliged to sell again before the Commissioners choose to pay more. It is probable, then, that the effects of the sinking fund will be, to displace gradually a part of the capital now vested in the national loans, and to restore it to the commerce and agriculture of the country; while the annuitants, who cannot engage in trade, and are anxious for the best security, being the last to sell out, will receive the highest price. The debt will thus be redeemed with as little loss as possible; and when, during a season of peace, the revenue of the fund shall be so great as to render the speedy completion of the transfer certain, government may begin the change, by lightening the national burdens; so that, on the one hand, the enormous taxes required to maintain the process of liquidation may not all at once be

repealed; and, on the other, the increased rapidity of the process may not occasion, towards its conclusion, too sudden a shifting of the remaining stock.

Bishop Watson appears not to have formed a very accurate idea of the nature and extent of the sinking fund. He undervalues its powers, by not attending to the law of their increase; and he plainly mistakes the constitution of the uniform part of the fund. Thus (in his Address, p. 2) he talks of the inefficacy of a million a year to save us from bankruptcy. He forgets that 200,000*l.* *per annum* is also granted for this service; and that, besides the old sinking fund (as it is called), a new one was established in 1793, for the redemption of debt contracted since that time. This fund, amounting to 1 *per cent.* on all new debts, was no less than 1,628,000*l.* *per annum* (exclusive of accumulation) when Bishop Watson first wrote; and now, when he repeats his doctrines, it amounts to above 3½ millions, including the interest of accumulation. It ought also to be considered, that the profits of both these funds, as well as of the annuities from time to time falling into the old one, are, in the strictest sense of the word, sums appropriated to discharge the debt. They are raised by taxes which might otherwise have been taken off as the transfer of stock to the fund went on. The old sinking fund, amounting now to above 2½ millions, is not indeed to increase beyond four millions, so far as it may be applied to the purchase of debt contracted previous to 1793; but the surplus may be applied to the purchase of stock since funded; and the new sinking fund has no limitation. To redeem our whole debt, then, a revenue of six millions is yearly set apart, with its own accumulations; and being raised on the income of the people, by means of taxes, which, except the legacy duty and a few stamp taxes, never can be shifted upon capital, it is equally distributed over the different kinds of profit which constitute the whole national revenue. The transfer of this sum to the fund, sets free a stock equal to the sum raised from the people after deducting the expenses of management. This stock will be employed in the cultivation and commerce of the country, and, so far from being afraid lest the

process of payment went on too slowly, a prudent statesman, supposing the nation to be at peace, would rather be inclined to check the velocity of so powerful an engine, lest it should acquire a momentum fatal to the stability of commerce. Some political inquirers have accordingly been alarmed at the extensive action of the sinking fund, and have predicted very great inconvenience from its final operations. Into the general question of this species of liquidation, it is needless at present to enter: we are only viewing it as contrasted with the proposed liquidation by sudden transfer of capital. We may however remark, that those who have entertained the greatest apprehensions on this point, appear to have forgotten how gradually the action of the fund increases, how much it is under the control of the state, and, particularly, that it can never set free, at once, more than the interest of the original incumbrances. We talk of the fund accumulating, until in so many years it has increased to so many hundred millions; but its income can never exceed the net amount of the taxes; and during the last year, when it has reached the *maximum*, it sets free exactly that amount of the stock, and no more. If, instead of being raised in taxes, this sum had remained in the pockets of the people, together with the expenses of collection and management, we cannot doubt that it would have found employment as easily as the other accumulations of profits, wages, and rents. In like manner, had the whole revenue of the fund from the beginning remained in the possession of the nation, a real capital would have been accumulated much greater than the whole debt, which would certainly have found an easy vent in the extension of trade, the improvement of waste lands, and the cultivation of colonial territories. But if the separation of the capital from its possessors is suddenly made, a stock is accumulated in hands unable to employ it, unless by restoring it to the space which the tax has left vacant. In like manner, if the accumulation of a real capital were made, by means of a fund over and above the amount of the debt (not, of course, by means of interest), it would be impossible suddenly to employ it.

We have hitherto been proceeding upon the admission that it is possible to raise, in four or five years, by taxing capital stock, a sum equal to the national debt estimated at par. But a variety of circumstances concur to render this utterly impracticable. In the *first* place, Great Britain has had some experience, and, we suspect, is soon to have some more, of the ease with which direct income taxes are enforced—the willingness of men to disclose their private affairs—the alacrity, more especially, with which traders exhibit to tax-gatherers and fellow-citizens the amount of their gains—and the honesty which all ranks of men display in assessing themselves according to the commands of the law. How far the same facilities would attend the execution of an act for inspecting a man's *whole* affairs, and withdrawing from his management a tenth, perhaps a fifth part of his entire property, we leave our author to determine. We know that the example of other nations is not perfectly flattering as to this matter. The Dutch, for instance, whose capital in proportion to their revenue far exceeds that of any other people, have at different times been laid under contributions intended to bear so great a ratio to the national stock, that the load must of necessity have fallen on the principal. It would appear, however, that they contrived always to shift it upon their income; for when the fiftieth penny was required, it was with great difficulty that the two hundredth could be raised; and this is not much more than one-eighth of their revenue, which so frugal and wealthy a people might contrive to pay for once, by dividing it between two years.

But, in the *second* place, we shall allow that the whole proprietors of the kingdom are perfectly willing to pay fairly and openly. We imagine they would find it very difficult to make the payment.

In February 1801, the funded debt of Great Britain, exclusive of that part which was on account of Ireland, and exclusive also of the Imperial loan, amounted to above 457 millions; and, estimating the value of long and short annuities at their rate in the market about the same time (which is much lower than the rate at which they could be redeemed), we must add 20 millions to the above sum.

This capital of 477 millions is exclusive of the nominal capital in the sinking fund; and it comprehends, of course, the 56 millions charged upon the income-tax.[1] Although, then, we should imagine the whole addition for concluding the late war to have been only 23 millions, and should set off the whole extraordinary expense of the present war against the surplus occasioned by the first redemptions of the debt, we shall still have a sum of 500 millions to raise in four or five years: that is, we shall have 100 or 125 millions to raise yearly, beside the present 30 millions of permanent taxes, and the additional sums requisite for the most expensive war establishment with which the country ever was burthened. We have no hesitation in declaring our inability to comprehend how the first year's payment of such a tribute could be effected. "Let every man," says Bishop Watson, "be assessed in proportion to his possessions, from the owner of an estate worth 50,000*l.* a-year, down to the peasant whose house and furniture are not worth 10*l.*" We shall pass over the consideration, that this equalization of taxes would render men liable to a contribution from their capital, who have always been judged unable to pay even a portion of their income; that it would in fact be a tax on the necessaries of the poor, which, if they could by any means advance, they would, for years to come, levy on the income of the other classes; and we shall make no remarks on the singular argument about the relative nature of all luxuries, by which bread and a coarse blanket are, in page 21, proved to be luxurious superfluities. Our present objection to the tax on capital is, that we do not see how it can be paid; that the great landed proprietor, as well as the cottager, will find it impossible to raise the sums required; that there is no power in men of suddenly creating a circulating medium, or any other moveable property sufficient to pay, in one year, five or six times the sums formerly paid with difficulty. Admitting that the proprietors of all stock which is capable of subdivision, as mines, fisheries, land, and

[1] See Public Accounts for 1801—Resolutions moved by Mr. Tierney, June 17, 1801—Ditto by the Chancellor of the Exchequer, June 22.

heritable or personal bonds, could immediately find purchasers for the amount of the tax (though, when all are obliged to sell, it is not easy to perceive from whence the buyers may come), how is money to be raised upon the sale of aliquot parts of fixed stock in trade and manufactures, as warehouses, machinery, and dwelling-houses? With respect to farming stock, as cattle and implements of husbandry, and the tools of labourers, it is absurd to think of raising money by the sale of them, and it would not be very easy to borrow on their security. After the first quota of the tax, indeed, has been paid, the same money will do for paying the other quotas; because the former funded proprietors will return it, in purchase-money or in loans, to the capitalists, according as their stock may be divisible or indivisible. But the first payment must evidently be made by the bills or other obligations of the capitalists; and these bills being transferred by government to the public creditors, must be redeemed from them by the transfer of capital, or the constitution of new obligations; so that an immense addition will be made to the system of paper credit, and every proprietor will be in debt, for a longer or shorter period, to some person having a right to demand payment of principal as well as interest. At present, every man paying taxes may indeed be said to be in debt; but he is only indebted to creditors whom he can oblige to rest satisfied with an annuity, and who cannot distress him for more than his year's savings enable him to pay. The annual surplus produce of the land and labour of every community—the fund which is yearly added to the capital, and destined to increase the income of the people—is the fund out of which all taxes ought to be taken. As this cannot suddenly be augmented in proportion to the public demands upon extraordinary occasions, the system of borrowing has been invented; which, if kept within proper bounds, and combined with the establishment of a sinking fund, equalizes the burthens of the state among the different successions of men for whose benefit they are imposed, and defers the actual levying of the supplies until the national stock shall have gradually accumulated to the requisite point.

In the *third* and *last* place (for it is needless to multiply the objections which must occur to every reader), there is a large class of capitalists in a trading country, who are induced, by no particular tie, except that of protection for their stock, to remain there. The proposed tax must necessarily drive these men to some other quarter of the commercial world, or at least their capital; for it would indeed be a singular folly in them to defray, by advance, a great part of the expense of the state during forty or fifty years to come, when circumstances may in a few months render another abode, or another investment of stock, more eligible. And let it be observed, that this class comprehends the monied interest, from whom alone it would be easy, in other respects, to raise the tax on capital. Bishop Watson indeed maintains, that this class should be taxed, although their stock is vested in the funds —and this seems to be an essential part of the plan: for what could be more unjust, than that those proprietors should suddenly be freed from all future taxes, by devolving the expense of the debt on the other capitalists? Yet, the direct taxation of the national creditor in proportion to his debt, by refusing payment of a certain part of it, is extremely like a palpable breach of faith. We are told, however, that so long as the creditor is only made to pay in the same degree with the other capitalists in the country, he cannot complain; since, if Government pays him the whole principal, it may the next moment make him refund his proportion of the contribution; and the retention of that proportion, is only the adoption of an effectual plan to prevent the assessment from being evaded.

But three circumstances render this argument, however plausible, completely inapplicable to the case. In the *first* place, it is not true that Government could levy the contribution immediately upon making the full payment which every creditor has a right to demand, when he is forced to sell his stock. A great part of the stock belongs to foreigners. Before the American war, this was supposed to be one-sixth or one-seventh of the whole;[1] and the circumstances of the nations of Europe, particularly

[1] Pinto on Circulation and Credit, p. 33.

Holland, since that time, combined with the low price of our funds, must have prevented this proportion from greatly decreasing. To tax this funded property, would be an act of national profligacy, from which not even the character of England could recover. *Secondly*, The monied interest, the growth, of which has been encouraged, if not begun, by the funding system, and the existence of which is so essential to every nation in the circumstances of Great Britain, has a tendency, and unquestionably a right, to shift from one country to another, according to circumstances. The capitalists of this class would, therefore, have an undoubted right to withdraw their stock, or to remove altogether from the operation of the capital tax. *Lastly*, The easy concealment of money, and the possibility of saving it from those very operations of finance which we are now considering, forms one of the inducements to hold property in this form, rather than in the various other forms which are attended with advantages peculiar to themselves. However unfair this view may be in the individual, the government, which, on the whole, derives benefit from its influence upon the distribution of capital, has no right to complain, while loans of anticipation or funding operations are necessary parts of European finance, and the violation of good faith to which such a complaint leads, would only tend to banish entirely from the country a portion of the trading capital; whereas all the arts of the possessors can never prevent both the public and the private revenue from benefiting by its profits. We have not considered the loss which the nation must sustain by the payment of the debt owing to foreigners, and the consequent removal of stock from profitable employment. This must be injurious, whether effected by the proposed plan or by the sinking fund.

Every light, therefore, in which we can view the momentous subject brought before us by the project of Bishop Watson, discloses the manifold dangers and difficulties with which it is fraught. We must repeat our astonishment at his rash, unmeasured recommendation of such a scheme; and our conviction, that his eager perseverance in proposing it, can only arise from his graver

pursuits having left him little time for political inquiries. With the highest admiration of his talents and character, we feel great respect for the motives to which the present publication owes its origin; and agree with him in wishing that it may have a beneficial affect. But as it is addressed to the nation at large, and as its only object must be to rouse the public spirit in the common cause, we must take the liberty of suggesting, that if such a thing were wanting, it is not likely to be secured by the description of military or financial schemes, especially if they resemble the projects above discussed. We should be the last of his readers to use the silly and insolent sarcasms hinted at in p. 14. On the contrary, we think that more than one science would have suffered, had Bishop Watson paid a strict regard to such narrow-minded maxims as those which prohibit men from ever forsaking their professional studies. But we may be permitted to regret that, in the present deviation from his ordinary pursuits, he has not applied his talents with the same felicity to other objects; and that, by changing his tools, he has failed to strengthen or adorn the pillars of the State, with such additions as he formerly bestowed upon those of the Temple.

# USURY—LAW TAXES.

(December, 1816.)

*Defence of Usury: showing the Impolicy of the present Legal Restraints on the Terms of Pecuniary Bargains, in Letters to a Friend. To which is added a Letter to Adam Smith, Esq., LL D., on the Discouragements opposed by the above Restraints to the Progress of Inventive Industry. The Third Edition: to which is also added, Second Edition, a Protest against Law Taxes.* By Jeremy Bentham, Esq., of Lincoln's Inn. 12mo. Pp. 276. London. Payne. 1816.

The parliamentary discussion which took place incidentally in the course of last session, with reference to the Usury Laws, induced Mr. Bentham to permit the publication of this edition, the work having for many years been out of print. We gladly seize the occasion of bringing the subject before our readers, and of recommending the perusal of this volume to all who may either have any doubts upon the questions,—or who may only desire to enjoy the pleasure of following two chains of political reasoning, as close and as beautiful as anything which the severest of the sciences presents. In this respect, indeed, these tracts are unrivalled; and, that nothing might be wanting to their perfection, the style in which they are written (especially the second) is a model of composition.

It is curious to consider by what accidents the prejudices that gave rise to the Usury Laws have maintained their ground, amidst the ruins of the mercantile system to which they naturally belong. Long after every thinking man had been convinced, that the most entire freedom in commercial matters was both the right of the subject and the interest of the community, and that every interference with the private trade of individuals, was not only a

grievous restraint upon natural liberty, but positively detrimental to public prosperity, all reasoners seemed to agree in excepting from the sentence of condemnation thus passed upon such laws, the very class of enactments which most plainly sinned against the principles both of civil liberty and true policy. This anomaly is only to be accounted for by the peculiar nature of the prejudices in which the Usury Laws had their foundation; but an unlucky opinion in their favour, delivered by Dr. Smith, in the work which operated so powerfully towards dispelling the other errors of the mercantile theory, had a very remarkable effect in keeping alive those prejudices; and it is certain, that Mr. Bentham was the first writer who openly and systematically attacked them. It is equally true, that he completed the work which he begun: For, since the publication of his tract, no one has ever been hardy enough to deny, that he had conclusively demonstrated the proposition which forms its subject. To endeavour to add anything to his reasonings, would be a vain attempt; but we shall exhibit the substance of them in a form somewhat abridged, rather in the hope of their meeting the eyes of many who might not possess the original work, than with the least doubt as to its superior efficacy in producing speedy conviction in all who may peruse it.

It is a just observation of Lord Coke, that to trace the source of an error is to refute it: and fortunately there seems no difficulty in accounting for the origin of those prejudices in which the Usury Laws had their origin. Mr. Bentham ascribes, we think, rather too much to religious bigotry, in treating this part of the subject. He observes, that the practice of self-denial came very early to be substituted for active virtue; and as the greater the temptation the greater the merit, much virtue was held to lie in refusing to one's self the means of making money, —at all times the favourite pursuit of mankind. Hence, he says, the obvious method of making wealth productive, by lending it for a profit, was proscribed as an illegal gratification; and besides, as the Jews dealt largely in this practice, the Christians, ever anxious to avoid their customs, deemed it peculiarly sinful. The authority of

Aristotle, who reprobates usury on the ground that "money is in its nature barren," was a strong support of these views, in an age which bowed to the *dictum* of that philosopher in everything, save matters immediately connected with Pagan faith. Our author also remarks, that the natural antipathy of the spendthrift towards the saving man, arising from the envy with which he regards him, must have operated in the same direction. That all these causes have contributed materially to produce the prevailing notions against usury, there can be no doubt. But we think he has, contrary to the usual accuracy of his analysis, overlooked one of the most powerful,—we mean, the feeling excited against a rich man, as the lender must always be compared with the borrower,—and in favour of a poor one, by the very circumstance of the former making the latter pay for help, according to his necessities, and reaping a profit without any labour or even trouble of his own. It is true, that many other classes are exactly in the same situation, as far as the circumstance of gaining by another's working goes; but in no case does the contest between distress and avarice, or let us only say, a calculating and money-getting spirit, so frequently become apparent; and besides, other lenders, as landowners, have always formed such a powerful body, that no universal prejudice could easily take root against them. Nor is it any answer to this view of the subject, to say, that a person in no distressed state may borrow, upon a calculation of gain, from another, upon the whole no richer than himself; for the prejudice in question took its rise, when almost all loans were from the rich to the poor, to relieve their distresses; and the prevalence of hard bargains, driven under such circumstances, obtained for the dealers in money a bad name that they never yet have lost. Perhaps the way in which religious bigotry has chiefly influenced the reputation of this class of men, in modern times, has been from the circumstance of the money-trade being principally in the hands of the Jews; although, undoubtedly, this monopoly has been secured to them, as it was originally acquired, by the prevalence of the prejudices themselves. But the natural question is, How the laws against usury, that is, the restraints upon

the terms of money bargains, can be justified? We shall shortly advert to the reasons which have been adduced with this view.

The *first* reason given for the interference, is the prevention of prodigality. It is well observed by Mr. Bentham, in the outset of this part of his argument, that although the preventing men from injuring one another, is a most legitimate object of the lawgiver, it may well be doubted, whether he is as much called upon to interpose between a man and himself, supposing the person so meant to be protected has attained the years of discretion. If this is a good work at all, he thinks at least it is a work of supererogation. But, in truth, such is not the real operation of the restraints under consideration. Why should a man, because he is a prodigal, be also insane? And yet no one of sound mind would think of giving six per cent. for the use of money, how pressing soever his wants, if he could get it for five. Again—Can a man, however prodigal, be prevented from selling all he can get rid of by sale, and pledging all that won't sell? Those who have security of any kind to offer the lender, are not protected by the law; for the lender never makes his bargain upon a view of the borrower's character and habits, but of his security—so that the law is not likely to prevent him in cases where he was disposed to lend; and the prodigality of the borrower, whose property is mortgaged, may be an inducement, in itself, to such as look towards obtaining possession of it. If, on the other hand, the spendthrift has no security to offer, how is he more likely to get money at a high than at a low rate? A friend is the only person likely to accommodate him, and he won't take more than the ordinary rate. Prodigals, in truth, are not the persons who borrow large sums at exorbitant interest;—they much more frequently borrow moderate sums, at the usual rate, in various quarters;—and when they can find a lender disposed to speculate, and obtain a compensation for the great risk of trusting them in the high profits of the transaction, such an one will also neglect the prohibitions of the Usury Laws, and make the poor man pay so much more for the additional risk they make him run. But it is decisive of this argu-

ment, that the most certain road to ruin for all prodigals, is to obtain goods upon credit, as long as their credit lasts; and that no law interferes with this,—unless, indeed, we have recourse to the interdiction of the Roman jurisprudence. Mr. Bentham clearly shows, that tradesmen make raw customers pay a great deal more than money-lenders would do; and he asks, where is the sense of stopping the expenditure of the prodigal at the faucet, while there are so many ways of letting it out at the bung-hole?

The protection of indigence forms a *second* reason urged in behalf of these restraints. But it is plain, that no one rate of interest can be adapted to every man's situation. To some it may be profitable to borrow, though they should pay ten per cent., while others may find six per cent. too high, compared with the gain they can derive. The Usury Laws, however, fix the amount of the interest, and consequently determine one standard of exigency for all. How does this arrangement operate? Not in protecting, but in crushing the indigent, whose protection forms its pretext. No man will of himself give a farthing more for money than the lowest at which any one will lend it; but he may be in such a situation that nobody will lend him that of which he stands in the greatest need, except he pays higher than the general average rate adopted by the law. To give more than this *maximum*, would be for his advantage;—it would be profitable to him, otherwise he would not desire to borrow on such terms. The law says, he shall not benefit himself, perhaps save himself, by giving what by the supposition he is able to give — and this, says our author, out of prudence and loving-kindness towards the poor man! "There may," he adds, "be worse cruelty; but can there be greater nonsense?" It is evident, that if the protection of indigence were really the object of these laws, they stop short of their mark;—they prevent a poor man, no doubt, from borrowing at a high rate; but they take no means of compelling the rich to lend him at a lower rate.

A *third* reason alleged, is the protection of simplicity. Now, it is plain, that nothing short of the utmost sim-

plicity can ever induce a man to make so improvident a bargain, as the giving more than he knows, or may easily learn, to be necessary, for the use of money. There is nothing so easily ascertained as the market rate of interest. It does not vary from day to day, like the prices of goods; and, when it shifts, it is only in a very small proportion. Moreover, it is the same all over the community. A simple man, or a man without being very simple, may be deceived in other bargains; but here the legislator does not, indeed he cannot, render the least assistance. If a person unwarily pays too dear for goods or land, a case of daily occurrence, he must stand by his bargain, how speedily soever he may be undeceived; and indeed, here the law could not, in all cases, aid the unwary purchaser, however carefully contrived for his assistance, because the seller having pocketed the price, may have decamped with it, or spent it. But in the case of loans, the unwary borrower, whom the legislator pretends to assist, has always the security in his own hands; and if he has been really overreached, there is no possible difficulty in obtaining redress. Nor should it be forgotten, that if we are to suppose the case of persons so simple as to stand in need of protection in their money bargains, the same defect of prudence or sagacity exposes them to fully as great danger in all their other transactions. Nay, they may be overreached in the demand of the rate of interest fixed by law; for the market rate may, and often does fall much below the legal *maximum*,—not to mention the injury a person of weak judgment may do himself, by borrowing even at the lowest market rate, and injudiciously employing the sums so obtained. Yet in these cases no lawgiver ever dreamt of affording protection to simplicity; and indeed the attempt would be manifestly hopeless.

It is urged as a *fourth* reason in favour of these restraints, that a free access to the money market tends to encourage projectors. Dr. Smith has greatly contributed to the prevalence of this notion. He classes projectors with prodigals; stigmatizes both as persons likely to waste the capital of the community; and approves of the *maximum*, from its tendency to keep a portion of that capital

out of their hands. In no part of Mr. Bentham's tract is he more conspicuously successful, than in his elaborate refutation of this dogma, and his exposition of the prejudices upon which it is founded The restraint, as he justly remarks, professing to fall upon rash, imprudent, useless schemers, does in fact fall upon such persons as, in the "pursuit of wealth, or even of any other object, endeavour, by the assistance of wealth, to strike into any channel of invention. It falls upon all such persons as, in the cultivation of any of those arts which have been by way of eminence termed *useful*, direct their endeavours to any of those departments in which their utility shines most conspicuous and indubitable; upon all such persons as, in the line of any of their pursuits, aim at anything that can be called *improvement*; whether it consist in the production of any new article adapted to man's use, or in the meliorating the quality, or diminishing the expense, of any of those which are already known to us. It falls, in short, upon every application of the human powers, in which ingenuity stands in need of wealth for its assistant."

It is indeed manifest, that, in this view, the Usury Laws are absurd, unless it be possible to distinguish, before trial, good from bad, that is, successful from losing projects;—in which case, the law ought to fix a *maximum* for the loans to the one, and leave the other free access to the market,—which is plainly impossible. Those who are too prudent to risk their money upon an unpromising scheme, will risk it upon no scheme at all, but will lend only to established concerns. The temptation of higher profit than usual is absolutely necessary, to prevail upon capitalists to embark in new trades. The Usury Laws prevent, therefore, any capital from finding its way into those channels by way of loan, and directly discourage projects, that is, invention and improvement in all the arts of life; for without discouraging the useful and the good, they cannot discourage the wild and the bad. Shall we then say, that the danger to the capital of the community, from a failure of certain schemes, is so alarming as to justify us in putting down all manner of schemes, as

far as lies in our power? Let it only be remembered, that everything valuable in civilized life is the fruit of schemes; that all we enjoy above the lot of savages, comes from arts that were once mere projects; and we shall not be disposed to condemn, by one sweeping sentence, every innovation. This is in truth to denounce, as rash and ill grounded (we use the author's forcible illustration), all those projects by which our species has been successively advanced, from feeding upon acorns, and covering themselves with raw hides, to the state in which it at present stands. Whatever (as he says) is now *the routine* of trade, was, at its commencement, *project*; whatever is now *establishment*, was at one time *innovation*.—And why such fears, after all, of our being impoverished by failing schemes? Long before the existence of the Usury Laws, the prosperity of our race was running on in an accelerating course;—long before the statutes in this country, its wealth and general improvement were rapidly and constantly advancing. There were every now and then failures, and individual losses in consequence; still their proportion to the bulk of successful projects was trifling; and no one can maintain, that, since the restraints were imposed, the proportion has diminished. Were the law silent on this head, money would still be lent to projectors, by those most deeply interested in the prudent disposal of it. We may safely trust their discretion for its being kept out of desperate risks. No one, indeed, has ridiculed the over-anxiety of such regulations as pretend to save men's capital from injudicious application, more happily than Dr. Smith himself. It is the great text, of which his immortal work is the illustration, almost in all its pages; and in no passage is he more severe, than where he reprobates the intermeddling of Government to prevent private imprudence. After remarking, that the number of prudent and successful undertakings is everywhere much greater than that of injudicious and unsuccessful ones; he administers the following memorable correction to rulers for their love of meddling, and we may observe, that it is quite as well merited by the promoters of the Usury Laws, as by any other class of legislators. "It

is[1] the highest impertinence and presumption therefore in kings and ministers *to pretend to watch over the economy of private people*, and to restrain their expense, either by sumptuary laws, or by prohibiting the importation of foreign luxuries. They are themselves, always, and without exception, the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust private people with theirs. If their own extravagance does not ruin the State, that of their subjects never will."

To those who love reason, the arguments of this great writer may suffice for removing all fears arising from the prodigality of individuals in wasting the national wealth; and those who prefer allowing the authority of great names to weighing their counsels, will require nothing more to make them reject, with contempt, all interference, on the part of lawyers, with the prudential regulation of private affairs. Yet, the application of this conclusion, in which way soever we may reach it, to ordinary prodigality, is by no means more striking than to the squandering of projectors. Indeed, Mr. Bentham clearly shows that the fear of schemers is still more chimerical than that of less ingenious spendthrifts.

We have now gone through all the reasons urged in defence of the Usury Laws, from their supposed virtues in checking fraud, oppression, prodigality, and projects; and we are now to see what their real effects are, having observed how miserably they fail in producing the benefits ascribed to their operation. In other words, we have found that they produce none of the good which they pretend to have in view; and we are now to see the mischiefs which they create in all directions.

The most obvious mischief, is the depriving many persons altogether of the loans which they stand in need of. A person having the means of supplying himself with money, and having also the utmost necessity, is precluded from all chance of obtaining it, unless he has still further means of meeting his wants, by evading, at an additional cost, the laws in question. He may have security enough

[1] Wealth of Nations, Book II., Chap. 3.

to induce a lender to accommodate him for seven per cent., and means to pay that premium punctually. No one will lend him at five; the law says he shall not borrow at more than five; therefore, unless the law be broken, he cannot borrow at all. Again, the lender will not run the risks which the law creates for seven per cent., and we are supposing this to be as much as the borrower can give; therefore he cannot, in point of *fact*, borrow at all; and yet, but for the law, he could have relieved his wants with ease. Now, it must be observed, that the class of persons of whom we are speaking, are exactly those who have the greatest occasion for assistance, and the best claims to it, since, by the supposition, they cannot do without the loan, and are both able and willing to pay the extraordinary rate of interest.

The next mischief is that which the law inflicts upon those who have the means of giving, not only such an extraordinary rate of interest as the lenders, were it not for the restrictions, would be satisfied with, but somewhat more. These are not excluded altogether from the money market, like the class already mentioned,—but the terms of the bargain are raised to them. Suppose they have nothing to sell, by which they can raise the money they want, then they must pay for the breach of the law; and this in two ways, both by giving a sufficient premium to the lender to make him run the extraordinary risk, and because the illegality of the trade keeps many dealers out of it, and by narrowing the competition, raises the profits. In the course of the last twenty years, a great trade has been driven in annuities, which admirably illustrates the operation of these laws, this being a perfectly legal mode of evading them, and yet one attended with ruinous expense to the borrower. The law has imposed a number of regulations upon such transactions, with the view of preventing them from becoming too easy a means of evading the Usury Laws. Those regulations increasing the risk of the lender, somewhat raise the price to the borrower. Then the nature of the transaction renders an insurance necessary upon the life of the borrower; and this is a large increase of price. Moreover, the number

of lenders at usurious interest in the illegal way, being narrowed by the competition, as all who are driven from this traffic do not necessarily resort to the line of annuities, the market is, notwithstanding the legal method of evasion, considerably narrowed. It has thus happened, that persons with excellent security, and who could easily have gotten loans at six and a half or seven per cent. but for the law, are obliged to pay eight or nine, besides the insurance, or from ten to twelve in all; and this, not to private money lenders, who exact much more, but to the great insurance companies, who have fallen upon this way of employing their superfluous capital, tempted by the double gains of lenders and insurers. We speak from the authority of assertions repeatedly made in Parliament last session, and uncontradicted, though many persons connected with those companies, and with the borrowers, were present. No cases, it was alleged, had occurred in late times, of those companies making the borrower pay less in all than ten per cent., how good soever his security—(and the greatest families in the country were alluded to)—unless in one instance, where the accidental circumstance of the borrower having a very large estate in houses, induced an office to give better terms, in consideration of having the insurances of that property. If such reputable lenders exacted such terms, we may be sure that many individuals required far harder conditions; and where a mode of effecting the loan wholly unlawful was adopted, the price paid must have been still much higher. The case now related, furnishes a good illustration of the direct pressure upon the borrower, occasioned by the restraints, because, at any rate, the price of the insurance, which formed part of the expense, was entirely caused by the course into which the necessity of evading the Usury Laws drove the transaction. This premium was, beyond all question, a percentage levied by those laws.

Suppose now, that the laws have prevented a man from borrowing at seven per cent., and that he has still goods which he can part with to raise the money. But for the law he might keep his goods; and nothing can prevent his selling them at an under-price, according to his neces-

sities. No one who has known anything of sales made in distressed circumstances, will think a loss of thirty per cent. very extraordinary in such cases. To such a loss as this, the most exorbitant usury bears no proportion; yet this is exactly the premium which the distressed man is compelled to pay for money, by the law which says he shall not borrow at the rate of five and a half. The pressure upon proprietors of real estates is still more severe. Suppose a man comes into possession of an estate worth two hundred a year, charged with a thousand pounds; and that the incumbrancer wishes to have his money rather than the legal interest, but would be satisfied with one or two per cent. above that rate;—at any rate, if he would not, some other certainly could be found to advance the money at that premium, upon the same security. Suppose too, that the time in question is such a season as the present, or the end of the American war, when land fell as low as eighteen and even sixteen years' purchase, and some kinds of real property, as villas and houses, generally sold for a half, or even a quarter, of what they had cost before any money was expended upon improvements. Such periods of general distress, and consequent depreciation of property, may last more or less according to circumstances. We may suppose a duration, Mr. Bentham thinks, in the American war, of seven years, because property did not recover immediately on the peace, any more than it sunk at the very beginning of the war. One per cent. for seven years, is worth less than seven per cent. the first year: But—take it as equal. The estate, which was worth six thousand pounds, or thirty years' purchase, before the war, and was reckoned at this by the devisor, when he charged it with a thousand pounds, fetches now only twenty years' purchase, or four thousand pounds; whereas had it been kept till the period of depreciation expired, it would have again brought its original value. Now, compare the devisee's situation, says our author, at the end of the seven years under the Usury Laws, with his situation had he been left unfettered to make his money bargain. In the one case he sells for four thousand, pays off one thousand, retains three

thousand; which, with legal interest for seven years, makes a reversion of four thousand and fifty pounds. In the other case, he pays six per cent. upon the debt of a thousand pounds, that is, four hundred and twenty pounds, and receives fourteen hundred from the land; in other words, he has nine hundred and eighty pounds left, besides the six thousand pounds, for which he can sell his estate; that is, he has six thousand nine hundred and eighty pounds, instead of four thousand and fifty, or he loses exactly two thousand eight hundred and thirty pounds by the kindness of the law in protecting him from usurers. Thus, by preventing him from borrowing at six per cent. the law has cost him more than he would have paid had he borrowed at ten per cent. This estimate has been made upon the supposition of the depreciation lasting seven years, the period of the American war. It happened that property did not fall in value till towards the end of the late war, from accidental circumstances, which we fully explained in our fifty-second Number. How long the present state of things may continue, no one can foretell; but it is manifest that the probability always is strongly in favour of the distress lasting nearly as long as the war; that is, commencing a year or two after it begins, and continuing about as long after it ends. Had this been the case in the late war, the above calculation would have given a result greatly more unfavourable to the restrictions in question.

The last mischief occasioned by the Usury Laws, is, in our estimation, far more important than all the rest; the corruptive influence which they exercise upon the morals of the people, by the pains they take, and (as the author most justly observes) cannot but take, to give birth to treachery and ingratitude. In illustration of this point, we can do no better than refer to his own concise and forcible statement.

"To purchase a possibility of being enforced, the law neither has found, nor, what is very material, must it ever hope to find, in this case, any other expedient, than that of hiring a man to break his engagement, and to crush the hand that has been reached out to help him. In the case of informers in general, there has been no truth plighted, nor benefit received. In the case of real criminals

invited by rewards to inform against accomplices, it is by such breach of faith that society is held together, as in other cases by the observance of it. In the case of real crimes, in proportion as their mischievousness is apparent, what cannot but be manifest even to the criminal, is, that it is by the adherence to his engagement that he would do an injury to society, and that by the breach of such engagement, instead of doing mischief he is doing good. In the case of usury this is what we have not known, and what one can scarcely think it possible for any man, who in the character of the borrower has been concerned in such a transaction, to imagine. He knew that, even in his own judgment, the engagement was a beneficial one to himself; or he would not have entered into it: and nobody else but the lender is affected by it.—pp. 46, 47.

It is very common with those who admit the mischievous tendency of the Usury Laws, to question their efficacy in reducing the rate of interest, and Dr Smith has expressly denied that they ever can bring it below the lowest ordinary market rate, at the time of their enactment. Mr Bentham combats this opinion very successfully, and contends that, whatever circumstances exist, to prevent the efficacy of these restrictions where they are intended to bring the premium below the lowest market rate, would exist in a degree nearly equal to prevent their efficacy in competition with a higher rate. The doctrine of the law's necessary inefficacy, presupposes an actual combination, or a tacit consent among all men to break the law, otherwise regulations might be contrived to prevent its evasion. The instance of France is given by Dr Smith, where an edict in 1766, lowering the legal rate from five to four per cent. was quite ineffacious, and Mr Bentham adds the case of Russia, where the legal rate is five and the lowest actual rate on good security eight. But still he contends, that better means of enforcing the restraints might have another effect. Upon this branch of his subject, we do not find the same degree of fulness as on the other topics, and shall therefore take the liberty of adding a few words upon the real effect produced in the money market. We take this to be, in every case, and at all times, in the direction contrary to the intent of the Legislature. It cannot be denied that a system of checks

[1] These letters, as is well known, were written at Crichoff, in White Russia.

might be contrived, rendering evasion extremely difficult; but it does by no means follow from hence, that there is money lent below the natural rate of the market, and for this obvious reason, that the law, how effectual soever to prevent the higher rate, never can compel persons to lend at the lower rate. The utmost efficacy of the law, therefore—its whole power, if perfect—can only extend to preventing money from being lent at all; unless we suppose a class of persons who are compelled by peculiar circumstances to lend, and who must, therefore, be content with the legal interest. But this class is so very small as to have no perceptible effect on the general market. Now, the greater the number of lenders who are thus kept out of the market, the higher the rate must be to those who succeed in evading the law; therefore, as the perfection of the contrivances to prevent usury, could only end in preventing all loans, so, when those contrivances fall short of perfection, as they always do to a certain degree, they only raise the rate higher than it otherwise would be,—and this, independent of the premium which they render necessary from the increased risk, merely by narrowing the competition of lenders. We have already illustrated the manner in which the Usury Laws operate upon Annuity transactions; and still more, upon all prohibited methods of negotiating loans. At present, we may conclude from what has been said, that, as far as regards their efficacy, those laws must either produce one or other of two consequences:—If wholly successful, they must prevent all loans; if partially successful they must raise the terms of the bargain to the borrower—that is to say, they can by no possibility do anything but counteract, in one way or another, the intent of the Legislature which enacts them.

A consideration of the insufficiency of these restraints, naturally leads us to inquire, whether, in other particulars, the laws against usury are consistent with their avowed purposes? And the most cursory reflection is sufficient to show, that they allow of transactions substantially usurious—and, indeed, that they cannot prevent these, without wholly putting a stop to the course of trade. Some of the most ordinary occurrences in commerce, are

in their nature usury. The practice of drawing and redrawing, by which merchants are accommodated with money for a short time, at a certain commission over and above the five per cent., and then for as much longer, until they pay ten, twelve, and more per cent. during the whole year, is only a more cumbrous and expensive method of borrowing above the legal rate of interest. But, other well-known lines of traffic, though apparently more remote from usury, are not less closely connected with it:—Pawnbroking, Bottomry, and Respondentia, will immediately occur to the reader. Nay, insurance, in all its branches, and the purchase and sale of *post-obits*, with all cases in which a man is allowed to undertake an unlimited risk for an unlimited premium, are in their principle usurious transactions. Of these, the most notorious is the traffic in annuities; which, accordingly, has been found to be the easiest and safest mode of evading the Usury Laws, although we have already shown how greatly it increases the rate of interest.

Of the same nature with the laws we have been considering, and founded upon errors of the same kind, are the barbarous penalties imposed upon all who assist suitors in courts of justice with the means of enforcing their rights, stipulating for a certain premium. The law of England considers this as a crime, and denominates it *maintenance*; or, if the question affects real property, and the lender is rewarded with a share of the estate recovered, *champerty*; and these names are almost as odious as the appellation of usurer,—insomuch that there are cases in the books, of actions for slander, in which the terms of reproach were, the calling the plaintiff a *champertor*. The grievous expense of law proceedings is one of the prime abuses in our system; and we shall, in the sequel of this article, have occasion to mention it again. But what can be said of a law, which at once renders the assertion of a man's just rights extremely costly, and precludes him from the only means of defraying the cost? By the supposition that he is deprived of his rights, he is poor, and unable to pay the expense of obtaining justice. Yet we won't allow him to get assistance, upon the only terms on which, in

the vast majority of cases, such aid is to be had. The Usury Laws, though originating in ancient prejudices, are of comparatively modern date. The laws against maintenance and champerty are the growth of a barbarous age, and arose from the apprehension, that powerful men might purchase unjust claims, and overawe the judge by an array of force. That these laws were not the fit remedy for such an evil, seems obvious enough; but, at all events, nothing can be more ridiculous, than our persisting in their enforcement, in an age when no suitor, however powerful, can hope to sway the balance of justice, at least in those tribunals to which the laws in question apply. Mr. Bentham relates the following instance of their operating to the ruin of a person whose situation was, in one particular, uncommon—but, in all that bears upon the question, the situation of every needy suitor.

"A gentleman of my acquaintance had succeeded, during his minority, to an estate of about 3,000*l.* a-year: I won't say where. His guardian, concealing from him the value of the estate, which circumstances rendered it easy for him to do, got a conveyance of it from him, during his nonage, for a trifle. Immediately upon the ward's coming of age, the guardian, keeping him still in darkness, found means to get the conveyance confirmed. Some years afterwards the ward discovered the value of the inheritance he had been throwing away. Private representations proving, as it may be imagined, ineffectual, he applied to a court of equity. The suit was in some forwardness: the opinion of the ablest counsel highly encouraging: but money there remained none. We all know but too well, that, in spite of the unimpeachable integrity of the Bench, that branch of justice, which is particularly dignified with the name of Equity, is only for those who can afford to throw away one fortune for the chance of recovering another. Two persons, however, were found, who, between them, were content to defray the expense of the ticket for this lottery, on condition of receiving half the prize. The prospect now became encouraging: when unfortunately one of the adventurers, in exploring the recesses of the bottomless pit, happened to dig up one of the old statutes against Champerty. This blew up the whole project: however the defendant, understanding that, somehow or other, his antagonist had found support, had thought fit in the mean time to propose terms, which the plaintiff, after his support had thus dropped from under him, was very glad to close with. He received, I think it was, 3,000*l.*; and for that he gave up the estate, which was worth about as much yearly, together with the arrears, which were worth about as much as the estate."—pp. 119–121.

We have now stated the whole argument against the Usury Laws; and it applies to every similar contrivance, in what notions soever founded, or by whatever checks supported, for protecting men's interests in spite of themselves, and controlling them in the management of their private business, for the purpose of making that business prosper, whether they will or no. There is nothing more conclusive in the whole range of political science, we might say nothing in any science, except the mathematics. Can there arise, then, it may be asked, any question as to the propriety of repealing those barbarous laws? Is not the bare proposition of a doubt respecting it ridiculous? We shall shortly state the reasons which convince us, that such a measure would, at this particular crisis, be imprudent; and these are to be found in an attentive consideration of the peculiar circumstances of the times.

It cannot be denied, that the Usury Laws, which, we have seen, always produce very bad effects in ordinary times, and still worse consequences in periods of public distress, have in an unprecedented degree augmented the embarrassments of the present day. Many persons, in every line of employment, have felt the necessity of a temporary accommodation, to enable them to get over the great pressure of the moment. All property being depreciated, no money could be raised by sales, without an enormous loss. Loans were the only possible means of avoiding certain ruin. The demand for money being thus augmented greatly and suddenly, and at the end of a war which had destroyed capital to an unprecedented amount in every way, the natural rate of interest was sure to be raised very considerably. The restraints, imposed by the law, rendered borrowing impossible to many; and to others, raised the terms of the bargain in a most destructive degree. Hence some have been irretrievably ruined, and others have paid an exorbitant price for their safety. Had no such absurd laws existed, all who had property to offer in security, that is, all whom it was for the benefit of the community to assist, might have obtained the aid required at a fair and moderate premium. The evils

occasioned by these laws, therefore, are abundantly manifest. Yet it by no means follows, that their repeal, *during the pressure of the calamity*, would be upon the whole beneficial. One class of persons might be assisted; but another, and probably a much larger class, would be thrown into great embarrassments. All persons now owing money, especially such as have borrowed upon mortgage, would inevitably have their creditors coming upon them for payment, that a new bargain might be made on better terms for the lender. It would not always happen, that the same money would be lent again to the same person; and any change in such delicate circumstances, would beget inquiry and suspicion, and a consequent injury to credit, at a moment when so many persons are in a tottering condition. A mortgagee, who is now content with the security he had before taken, if he had to renew his bargain, might consider the depreciation of the property, and lend to another. It is for the interest of the community, in the present critical circumstances of the country, that as little charge, as little concussion to credit as possible, should be given. In ordinary times, these, and far greater risks, may safely be encountered. At present, the smallest movement may reach further than it is easy to calculate, or pleasant to conjecture. Besides, we confess, we feel an objection of a general nature, to legislating in a moment of difficulty. The Usury Laws ought long ago to have been repealed; but, to undertake the risk under the pretence of an extraordinary emergency, is contrary to the sound discretion which should preside over all changes, even the most obvious, in the existing laws of the country. The work, when so performed, is not set about coolly and deliberately. Dangers are overlooked on either side, and omissions made, which both produce mischief and alienate the confidence of the community in the operation. The consequence is, that the stability of the improvement is put in jeopardy, and an obstacle is created to carrying through all reforms which may afterwards be attempted. For these reasons, we conceive that the views were perfectly sound which induced Parliament,

last Session, to defer for some time the revision of the laws in question.

Together with the Letters upon Usury, Mr. Bentham has reprinted, in the volume before us, the Protest against Law Taxes; a work which, for closeness of reasoning, has not perhaps been equalled, and, for excellence of style, has certainly never been surpassed. It is not the object of the present article to analyze this masterly performance; but, after a few remarks, we shall content ourselves with giving a specimen or two of its singular beauties.

The grievous expense of law proceedings has long been a theme of complaint among the vulgar; but they who are the best acquainted with the profession of the law, are best able to say (as they must if they speak the truth), that none of the complaints ever made upon this trite subject are in the least degree exaggerated. That a poor man cannot obtain justice, is quite obvious,—at least that he cannot obtain it unless he finds some one to lend him the money without security, which is next to impossible; or to lend it him for a share of the property at stake, which the law prohibits. But it is said that the poor may sue *in formâ pauperis*. To what does this privilege amount? First, it extends to those only who are not worth above five pounds beside their wearing apparel; whereas a man may be worth much more, and yet be a great deal too poor to support a suit in Chancery. But next, suppose he is of the class of mere paupers,—he obtains an exemption from the costs of stamps, and Counsel's fees, and Court fees; and we shall suppose that his Counsel exerts himself to the utmost,—that no time is lost by his special Pleader's slowness, or his Counsel's laying aside his case, to make way for others upon which his opinion is requested with *peculiar despatch*. What chance is there of an active and industrious attorney, to serve this poor client, while he has rich ones on his hands, as he must have, if he is an able practitioner, and a man who will let no opportunity escape him? But this is not all. Who is to pay for his witnesses? Who is to advance him money for this most necessary expense, when it is known

that he may gain his cause, and yet not have enough to pay it? This leads us to the much more grievous case of a man prevailing, and yet being nothing the better, nay actually being a loser by his contest. Nothing is more certain than that the recovery of a small debt, or the successful resistance of a small demand, is more costly than acquiescing in po itive injustice. If, for example, a person is called upon by one he never before saw or heard of, to pay fifteen or twenty pounds, and refu es, and suffers an action to be brought against him; and if he gains, as it is to be presumed he will in such circumstances, he will, in all probability, lose more upon the whole than he would have done had he at once paid the sum unjustly demanded. No doubt, he gains with costs; but the actual costs always considerably exceed the costs allowed; and, in the case of small sums, the excess is greater than the sum in dispute. We think it enough at present merely to broach this subject. It forms one of the most intolerable of all the abuses known in the law,—and no reform could be more wholesome, than one directed to remedy it. The share which the Government bears of the blame, does not come under the head of extra costs, as all stamps are allowed in taxing; but those imposts are not the less objectionable upon other grounds. They are, nevertheless, favourites with weak rulers, and flatter some ridiculous popular prejudices. Since the publication of Mr. Bentham's work, no one has ever pretended to doubt their iniquity and gross impolicy. Mr. Rose one day, in Mr. Pitt's presence, took the author aside, and informed him that they had read the pamphlet—that its reasoning was unanswerable—and that it was resolved there should be no more such taxes. Yet Budget after Budget has since been formed, in which those duties have made a part; and Mr. Pitt himself was found to patronize them upon his return to office in 1804.—We shall now close this article with a few extracts from the Protest, not with the intention of superseding the perusal of the whole work, but in order to invite the reader to enjoy so high a treat, by giving him a foretaste of it.

After observing that these taxes fall either on such

as have something to pay withal, or such as have nothing, he proceeds to show that, to the former they are more grievous than any other tax whatever—to the latter, a denial of justice. The following is the first demonstration.

"Taxes on consumption cannot fall but where there is some fund to pay them: of poll taxes, and taxes on unproductive property, the great imperfection is, that they may chance to bear where such ability may be wanting. Taxes upon law-proceedings fall upon a man just at the time when the likelihood of his wanting that ability is at the utmost. When a man sees more or less of his property unjustly withholden from him, then is the time taken to call upon him for an extraordinary contribution. When the back of the innocent has been worn raw by the yoke of the oppressor, then is the time which the appointed guardians of innocence have thus pitched upon for loading him with an extraordinary burthen. Most taxes are, as all taxes ought to be, taxes upon affluence: it is the characteristic property of this to be a *tax upon distress.*

"A tax on bread, though a tax on consumption, would hardly be reckoned a good tax: bread being reckoned in most countries where it is used among the necessaries of life. A tax on bread, however, would not be near so bad a tax as one on law-proceedings: A man who pays to a tax on bread, may, indeed, by reason of such payment, be unable to get so much bread as he wants, but he will always get some bread, and in proportion as he pays more and more to the tax, he will get more and more bread. Of a tax upon justice, the effect may be, that after he has paid the tax, he may, without getting justice by the payment, lose bread by it: bread, the whole quantity on which he depended for the subsistence of himself and his family for the season, may, as well as anything else, be the very thing for which he is obliged to apply to justice. Were a threepenny stamp to be put upon every threepenny loaf, a man who had but threepence to spend in bread, could no longer indeed get a threepenny loaf, but an obliging baker could cut him out the half of one. A tax on justice admits of no such retrenchment. The most obliging stationer could not cut a man out half a *latitat* nor half a *declaration.* Half justice, where it is to be had, is better than no justice; but without buying the whole weight of paper, there is no getting a grain of justice.

"A tax on necessaries is a tax on this or that article, of the commodities which happen to be numbered among necessaries: a tax on justice is a tax on all necessaries put together. A tax on a necessary of life can only lessen a man's share of that particular sort of article: a tax on justice may deprive a man, and that in any proportion, of all sorts of necessaries.

"This is not yet the worst. It is not only a burthen that comes in the train of distress, but a burthen against which no provision can be made.

"All other taxes may be either foreseen as to the time, or at any rate provided for, where general ability is not wanting: in the in-

stance of this tax, it is impossible to foresee the moment of exaction, it is equally impossible to provide a fund for it. A tax to be paid upon the loss of a husband, or of a father on whose industry the family depended,—a tax upon those who have suffered by fire or inundation, would seem hard, and I know not that in fact any such modes of taxation have ever been made choice of: but a tax on law-proceedings is harder than any of these. Against all those misfortunes provision may be made; it is actually made in different ways by insurance: and, were a tax added to them, pay so much more, and you might insure yourself against the tax. Against the misfortune of being called upon to institute or defend one's self against a suit at law, there neither is, nor can be, any *office of insurance*."—pp. 5–9.

The following is part of the reasoning by which our author triumphantly refutes the vulgar argument, that such taxes operate as a check to litigation.

"They produce it on the part of the *plaintiff*.—Were proceedings at law attended with no expense nor other inconvenience, till the suit were heard and at an end, a plaintiff who had no merits could do a defendant man no harm by suing him: he could give him no motive for submitting to an unfounded claim: malice would have no weapons: oppression would have no instrument. When proceedings are attended with expense, the heavier that expense, the greater of course is the mischief which a man who has no merits is enabled to do: the sharper the weapon thus put into the hand of malice, the more coercive the instrument put into the hand of the oppressor.

"They produce it on the part of the *defendant*.—Were proceedings at law attended with no expense, a defendant who knew he had no merits, a defendant who was conscious that the demand upon him was a just one, would be deprived of what is in some cases his best chance for eluding justice, in others the absolute certainty of so doing: he would lose the strongest incentive he has to make the attempt. A defendant who means not to do justice unless compelled, and who knows that the plaintiff cannot compel him without having advanced a certain sum; such a defendant, if he thinks his adversary cannot raise that sum, will persevere in refusal till a suit is commenced, and in litigation afterwards.

"Whether they make the litigation, or whether they find it ready made, they show most favour to the side on which anti-conscientious litigation is most likely to be found. By attaching on the commencement of the suit, they bear hardest upon the plaintiff, or him who, if they would have suffered him, would have become plaintiff. In so doing they favour in the same degree the defendant, or him who, if the party conceiving himself injured, could have got a hearing, would have been called upon to defend himself. But it is on the defendant's side that anti-conscientious practice is most likely to be found. Setting expense out of the question, an evil of which these laws are thus far the sole cause,—setting out of the question

the imperfections of the judicial system, and the hope of seeing evidence perish, or the guilty view of fabricating it,—a man will find no motive for instituting a suit for an ordinary pecuniary demand, without believing himself to be in the right; for if he is in the wrong, disappointment, waste of time, fruitless trouble, and so much expense as is naturally unavoidable, are by the supposition what he knows must be his fate. Whereas, on the other hand, a man upon whom a demand of that kind is made, may, although he knows himself to be in the wrong, find inducement enough to stand a suit from a thousand other considerations: from the hope of a deficiency in point of evidence on the part of the plaintiff—not to mention, as before, the rare and criminal enterprise of fabricating evidence on his own part: from the hope of tiring the plaintiff out, or taking advantage of casual incidents, such as the death of witnesses or parties: from the temporary difficulty or inconvenience of satisfying the demand, or (to conclude with the case which the weakness of human nature renders by far the most frequent) from the mere unwillingness to satisfy it.

"In a word, they give a partial advantage to conscious guilt, on whichever side it is found: and that advantage is most partial to the defendant's side, on which side consciousness of guilt, as we see, is most likely to be found.

"Better, says a law maxim subscribed to by everybody, better that *ten* criminals should escape, than one innocent person should suffer: and this in cases even of the deepest guilt. For *ten*, some read a *hundred*, some a *thousand*. Whichever reading be the best, an expedient of procedure, the effect of which were to cause ten innocent persons to suffer for every ten guilty ones, would be acknowledged to be no very eligible ingredient in the system. What shall we say of an institution, which, for one culpable person whom it causes to suffer, involves in equal suffering perhaps ten blameless ones?"[1]—pp. 29–34.

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[1] Half a century after Mr. Pitt admitted that such taxes must be wholly given up, it is truly shameful to find them greedily extorted from the suitors in the County Courts to the amount of 280,000*l.* a-year.

# VII.

# CRIMINAL LAW.

# ENGLISH CRIMINAL LAW.

(February, 1812.)

*Observations on the Criminal Law of England, as it relates to Capital Punishments; and on the Mode in which it is Administered.* By Sir Samuel Romilly. 8vo. Pp. 76. Cadell and Davies. London, 1810.

We owe an apology, we believe, both to our readers, and to the distinguished author of the work before us, for having so long delayed to enter upon an examination of the subject to which it relates. Various accidental circumstances, and several interruptions, of a nature alluded to in our last Number, have occurred to prevent us: Nor do we purpose, at this time, to attempt exhausting the topics which it presents for our consideration, but rather to introduce them, and lay the foundation of a series of discussions, which we may pursue at a future period. The honour of co-operating, in how humble soever a path, with such a man as Sir Samuel Romilly, in so great a cause, is sufficient to gratify a far loftier ambition than ours.

There is a tendency in man, connected with some of the least unamiable weaknesses of our nature, to reverence with an undue observance established practices and existing institutions, merely because they have been handed down through a succession of ages, and owe their origin to a period of society, in which, as Lord Bacon sagaciously remarks, the world was by so many ages younger and less experienced than it is in our own times. This feeling, while it resists the changes by which customs, and systems of polity, would otherwise be insensibly adapted to the changes that, in spite of us, are constantly going on in the circumstances of society, persuades us, at the same time, that there is a virtue in those very incongruities, rendered

every day more apparent, between ancient arrangements and the state of things, wholly unforeseen by their authors, to which they are now applied. Thus, by a strange refinement of self-complacency, we ascribe to design, effects produced, not by human contrivance, but in spite of it,—nay, in counteraction of it,—and actually give our ancestors credit for having intended that the same plan should work for some ages in one direction, and then for so many more in the very opposite. It is not easy to imagine, that anything but the most entire thoughtlessness could, for a moment, so far supersede the evidence of facts, and the authority of common sense, as to impose such dreams upon our belief.

The most noted example of this delusion meets us in the great question of Reform, in both its branches. Broach the subject of Parliamentary Reform, and you are sure to be met with an inflated panegyric of the present system of representation, contrived by the wisdom of our forefathers to attain the utmost degree of perfection, and unite freedom, stability, and tranquillity. After an invective against reformers, as mere speculatists and theorists, a piece of the purest theory, the most unreal fancy-work is presented, which you are desired to regard as the true mechanism of the constitution. It was fashioned, we are assured, upon the principle of *virtual* representation—or, at least, a mixture of real and virtual representation, for the purpose of forming an assemblage of persons of all classes, capacities, and endowments—some actually and publicly delegated, and others chosen by themselves or a few private nominators. The system of rotten boroughs is thus recommended as the ancient British constitution; and whoever is foolish enough to doubt that our ancestors actually designed the stone walls of Gatton and Old Sarum to return as many members as Yorkshire and Lancashire, must be accused of *innovation!* Nor is this a statement merely held out *in terrorem* of rash speculators. We verily believe, that there are various worthy characters, in different parts of the country, who feel grateful to their forefathers for the wholesome and constitutional invention of *decayed* boroughs. In like manner, when you attack sinecures, or offices of which

the progress of time has suppressed the duties, and augmented the emoluments, you are again charged with a new-fangled disrespect for the wisdom of ages;—as if, in the nature of things, a sinecure itself could possibly be other than an innovation;—and as if our ancestors ever contemplated the uses ascribed to such places, any more than they foresaw the constitutional virtue of parliamentary elections by uninhabited towns. Thus, those changes which time is constantly making, are overlooked,—except it be for the purpose of imputing the abuses which steal upon the system, to wisdom and design; and all attempts to accommodate ourselves to those unavoidable changes—that is, to keep things, upon the whole, in their ancient and intended relation to each other—to maintain the order and arrangement contrived by our forefathers, are stigmatized as mere innovations.

The same delusion prevails, for want of but a very little reflection, respecting several parts of our judicial system. It may safely be asserted, that no law was ever made in the world without the design of carrying it into effect; and yet nothing is more common than to hear the praises of that wise *provision* (as it is called) of the English law, by which severe punishments are denounced, while mild ones only are inflicted. When the severer statutes were passed, the manners of the age were different. The changes which have gradually softened the character and habits of the people, have made many of those laws a dead letter; but we are taught to praise this discrepancy between the theory and practice of our jurisprudence, as if it were a positive good; and to venerate it as if it had been the result of design in our ancestors,—who, we must therefore suppose, made laws for the purpose of breaking them, or with the refined intention that they should be operative for a certain time, and afterwards cease to be executed.

The beautiful and interesting tract, now before us, begins with an exposition of the error to which we are now alluding: And the best proof of the mischiefs with which it is pregnant may be found in the fact, that the most cruel laws have actually been executed, down to a comparatively recent period; and that, in general, the relaxation of the

criminal law has only taken place to a considerable degree during the last half century. Even the sanguinary act of Elizabeth, Sir Samuel Romilly observes, which made it a capital offence for any person above the age of fourteen, to associate for a month with gipsies, was executed in the reign of Charles the First; and Lord Hale mentions *thirteen* persons having, in his time, suffered death upon it at one assizes. Scanty and imperfect as are the materials for enabling us to trace the progress of the law, enough is known to convince us that no such refined plan can be discerned in former times, as that of leaving severe laws on the statute-book merely to terrify offenders, at the same time that they were relaxed in practice, or wholly suspended as to their execution. Sir John Fortescue tells us, that, in his day (in the reign of Henry VI.), more persons were executed in England for robberies in one year, than in France in seven. Hollinshed states, that no less than 72,000 persons died by the hands of the executioner during the reign of Henry VIII., being at the rate of 2000 every year. In Queen Elizabeth's time, only 400 were executed yearly. But this relaxation, far from owing its origin to the Crown, draws forth the complaints of Lord Keeper Bacon, who tells the Parliament, that this ineffectual enforcement of the laws is not the default of her Majesty, "who leaveth nothing undone meet for her to do for the execution of them." In more modern times, we have further details of this subject. Mr. Howard has published the Tables kept by Sir Stephen Janssen, by which it appears, that in seven years, ending 1756, there were convicted capitally in London and Middlesex 428—of whom about three-fourths, or 306, were executed;—that from 1756 to 1764, 236 were convicted, and 139, or above one half, executed;—from 1764 to 1772, 457 convicted, and 233, or little more than a half, executed. During the interval between 1772 and 1802, the accounts have not been published; but, from 1802 to 1808, the returns, printed by the Secretary of State's Office, afford very accurate information. In 1802, there were 97 convicted, and 10 executed, being about one-tenth; and the average yearly number of convictions for the whole seven succeeding years,

being about 75, the average number of executions was about 9½, or somewhat more than one-eighth. Thus a change of a very material kind has taken place during the present reign. At the beginning of it there were more executions than pardons of persons capitally convicted. Now, there are about seven times as many pardoned as executed. Our author is far from censuring a change so full of humanity and wisdom; but he justly observes, that a stronger proof can hardly be required than these facts afford, "that the present method of administering the law is not a system maturely formed, and regularly established; but that it is a practice which has gradually prevailed, as the laws have become less adapted to the state of society in which we live."

The speech, of which this pamphlet contains the substance, was delivered in the House of Commons, upon moving for leave to introduce bills to repeal the acts of 10 and 11 Will. III., 12 Anne, and 23 Geo. II., which makes the crimes of stealing privately in a shop, goods to the value of five shillings, or in a dwelling-house, or on board a vessel in a navigable river, property to the value of forty shillings, capital felonies. The history of the enforcement of the two former statutes, affords the most striking illustration of the remarks with which we have been occupied. From Janssen's tables it appears, that in the period between 1749 and 1771, there were convicted for shop-lifting and similar offences, 240 persons; and of these 109 were executed. The convictions for the seven years ending 1809, do not appear in the returns published by the Secretary of State; but those returns show, that during that period, 1872 persons were committed to Newgate for privately stealing in shops and dwelling-houses; and that of these only *one* was executed. "In how many instances," observes the author, "such crimes have been committed, and the persons robbed have not proceeded so far against the offenders as even to have them committed to prison: how many of the 1872 thus committed were discharged, because those who had suffered by their crimes would not appear to give evidence upon their trial: in how many cases the witnesses who did appear withheld the evidence that they

could have given: and how numerous were the instances in which juries found a compassionate verdict, in direct contradiction to the plain facts clearly established before them, we do not know; but that these evils must all have existed to a considerable degree, no man can doubt."—p. 11.

It is however maintained, that whatever may be the history of this discrepancy between the letter and the execution of our criminal laws, or to what cause soever it may be ascribed, great good results from it; and the defence of it is summed up by its advocates in a single sentence. They contend, that it economizes punishment, and enables judges to deter men from crimes by slighter actual inflictions—the more severe denunciations of the law itself being "a terror to evil-doers." Hence they maintain, that the law should be left as it is, for the sake of frightening the wicked; but that the discretion of executing it or not in each instance should be vested in the judge.

This doctrine is sure to find supporters among various important classes;—among the judges, whom it greatly flatters with ample, though it must be acknowledged most awful, discretionary powers;—among the higher and older practitioners of the law, who feel with the Bench which they have a near prospect of ascending;—among the large body of persons afraid of all change, through ignorance or prejudice, and scared by a mere name, inasmuch as the Parliament scarcely ever holds a sitting without making some alteration in the law;—and among refining and over-ingenious praisers of the existing establishments, who are gratified by discovering beauties and contrivances in the combined works of chance and time. For our own part, we can conceive no proposition more utterly untenable, if the subject be once examined; and none so sure indeed to fall before the most superficial inquiry into the merits of the question.

In the first place, it must be remembered, that the very origin and use of laws is placed in principles wholly repugnant to this doctrine,—namely, the advantage of having *a fixed and known rule of conduct*, the same by whomsoever it is administered, and applicable to all cases; so that those whom it is intended to regulate may be distinctly

aware of what is required of them, and what penalty they incur for disobedience. If the plan contended for were defensible, how much better would it be to substitute judges for laws at once; or, at any rate, to prohibit certain actions, but without affixing any penalties to the commission of them; and to leave the apportionment of these, in every case, at the discretion of the magistrate! Indeed, as Sir Samuel Romilly has remarked, this arrangement would in many respects be much better. The discretion would then be exercised under a degree of responsibility which does not now attend it. "If," says he, "a man were found guilty of having pilfered in a dwelling-house, property worth forty shillings, or in a shop that which was of the value only of five shillings, with no one circumstance whatever of aggravation, what judge, whom the constitution had entrusted with an absolute discretion, and had left answerable only to public opinion for the exercise of it, would venture, for such a transgression, to inflict the punishment of death? But if, in such a case, the law having fixed the punishment, the judge merely suffers that law to take its course, and does not interpose to snatch the miserable victim from his fate, who has a right to complain? A discretion to fix the doom of every convict, expressly given to the judges, would in all cases be most anxiously and scrupulously exercised; but appoint the punishment by law, and give the judge the power of remitting it, the case immediately assumes a very different complexion." In truth, the plan contended for, gives a large discretion where there should be as little as possible,—appoints it to be exercised under a narrow and doubtful responsibility,—and, without obtaining the superintendence of magistrates, checked by responsibility, sacrifices the certainty and applicability which should be the chief characteristics of a system of jurisprudence, and the attainment of which marks its approach towards perfection. To say that no laws can provide for all cases; and that, even in China, something must be left to the magistrate—is in fact saying nothing. It is surely a poor reason for courting imperfection, that absolute perfectness is above the reach of our utmost efforts.

Secondly, or rather to particularize the manner in which this doctrine departs from the fundamental principles of all jurisprudence, let us only consider the uncertainty which it introduces into the administration of justice. The judges to whom such powers are confided, have each their peculiar feelings and opinions, and prejudices and systems. One is more apt to be swayed by this favourable circumstance—another by that. What is a ground of mercy with one, may even operate unfavourably with another. A preconceived notion may regulate the whole practice of this magistrate, quite contrary to the system on which his brother judge acts; and thus, in order to learn how an offence shall be punished,—whether it be *in fact* a capital or a clergiable felony,—we must not look to the statute-book—but we must inquire geographically—we must ascertain the *venue*; and this will not serve us much, until the circuits of the judges are cast for the ensuing season, and we can learn by whom the offence is to be tried. On one line of country, where the same judges have constantly travelled, the law may pretty uniformly be different from that which prevails on the opposite coast; while, in other tracks, where the judges vary, the complexions of crimes will change from spring to fall, or even from town to town, as rotation or accident shall send one of the associated magistrates to deliver the gaol, and another to sit at *Nisi Prius*. We are here putting, not, it is to be hoped, the case which actually does occur, but that case towards which the administration of justice must be constantly tending, under the influence of the doctrines in question; and which it must approach, exactly in proportion to the efficacy of those doctrines. It is the case too, which those doctrines, if pushed the length of absolute consistency, could not fail to realize. That it is far from being altogether imaginary, let the following fact attest. We take it upon Sir Samuel Romilly's authority, with the most implicit reliance on his accuracy.

Not a great many years ago, upon the Norfolk circuit, a larceny was committed by two men in a poultry-yard; but only one of them was apprehended: the other having escaped into a distant part of the country, had eluded all

pursuit. At the next assizes the apprehended thief was tried and convicted; but Lord Loughborough, before whom he was tried, thinking the offence a very slight one, sentenced him only to a few months' imprisonment. The news of this sentence having reached the accomplice in his retreat, he immediately returned, and surrendered himself to take his trial at the next assizes. The next assizes came; but, unfortunately for the prisoner, it was a different judge who presided; and, still more unfortunately, Mr. Justice Gould, who happened to be the judge, though of a very mild and indulgent disposition, had observed, or thought he had observed, that men who set out with stealing fowls, generally end by committing the most atrocious crimes; and, building a sort of system upon this observation, had made it a rule to punish this offence with very great severity; and he accordingly, to the great astonishment of this unhappy man, sentenced him to be transported. While one was taking his departure for Botany Bay, the term of the other's imprisonment had expired. "What," exclaims our author, "must have been the notions which that little public, who witnessed and compared these two examples, formed of our system of criminal jurisprudence!"

Nor is this uncertainty and fluctuation only observable in the decisions of different judges;—the same judge acts differently at different times. It is a common remark, that at first a judge is more disposed to lenity than a larger experience of human depravity permits him to be: And where the temper of the times experiences great and sudden changes, we can hardly expect that those revolutions should not be felt on the Bench; although, doubtless, they reach that seat of purity much more slowly and imperfectly in this country than elsewhere. The history of the Scotch Sedition Trials may, however, furnish us with recollections of this kind. Many of our readers will recollect the punishments (known in the expressive language of Scotch law by the technical name of *arbitrary*) inflicted in the early periods of the French revolution. As late as 1797, a prisoner was sentenced to *fourteen years'* transportation for a slight resistance to the militia law; no

copy, we believe, of the new act having been sent to the district where the disturbance broke out; and a militia being then, for the first time, known in any part of Scotland. Were the same offence tried now, by the same judges, we cannot help thinking that a far lighter punishment would be inflicted. Indeed, in the case alluded to, the sentence went so much against public feeling, that the jury acquitted, against evidence, the next person tried for a similar delinquency; and the severer sentence never was executed.

Again, the discretion contended for has a direct tendency to counteract the whole design of punishment, by preventing its operation as an example: and this tendency is twofold; both by concealing from the public the connexion between the offence and the punishment, or even by misleading the public with respect to the offence, and by diminishing the certainty of that connexion. This is by much the most important view of the matter, and requires to be more fully stated.

The only object which lawgivers propose to themselves in public inflictions of punishment, is the effect which they may produce upon the spectators; and, through them, on the rest of the community. This indeed is the sole object of all punishments, except such as have in view the reformation of the offender; but it bears so great a proportion to the whole end of punishment, that we may here disregard the remaining object. How then is this purpose to be effected? Evidently by practically proving to the public the proposition—Whosoever commits this offence is sure of being thus punished. In this lesson two considerations are involved; and each person to whom we may teach it, will assuredly entertain them both. He will ask himself—first, What is the offence? and, secondly, Is there a certainty of my being thus dealt with if I commit it? Now, that system of law is undoubtedly the most perfect, which best enables him to answer the first of these questions readily, and the second affirmatively;—which leaves the spectator of a punishment in the smallest doubt *wherefore* it is inflicted, and *whether* or not it will be applied to his own case, should he commit the prohibited act.

But let us see how the system which we are examining enables the spectator to answer the first of these questions. He sees a man put to death, and inquires the cause of it. He is told, that he had stolen five shillings-worth of goods privately in a shop. He exclaims perhaps against the cruelty of the punishment; and he receives for answer, "That there were peculiar circumstances in the case, which made it proper to enforce the law; for that, in 999 instances in 1000, this crime is not punished capitally." He is thus left in as complete ignorance as he was before he first put his question: He is not so much deceived, perhaps, as he would have been, had he remained satisfied with the first answer he received; nor so completely misled, as he would be by looking at the record of the Court where the culprit was tried, or the calendar of the prison where he was confined; for those documents tell a tale wholly wide of the truth, namely, that the punishment is inflicted for breaking a particular law. So far his inquiries have set him right. He has learnt that the sufferer has lost his life,—*not* because he offended against that law, but because there were some circumstances in his conduct or situation which cannot be discovered. The punishment which he has seen inflicted, he therefore only knows to be the consequence of some unknown thing; and the lesson is entirely thrown away upon him.

But suppose our spectator to be left in the belief that the law is really executed—that the culprit suffers death because he stole five shillings in a shop: for it is only upon this supposition that the law can be defended on its avowed principle, and that the sight of its execution can deter the public from violating it.—He will then put the second question, and ask, if he is sure to be so punished, should he himself commit shoplifting?—The sight before his eyes may no doubt awaken some apprehensions in his mind—it may lead him to believe that such *may* be his fate, if he steals in a shop: but this is all. The question of probability remains unanswered; for the punishment of this one culprit does not necessarily prove, that all who so offend shall so suffer. The answer to this question is to be gathered from various considerations, most of which

probably pass through the spectator's mind during, or soon after the sight of the punishment, and all of which, we may be well assured, are present to his contemplation, while revolving whether he shall commit an act of shop-lifting or no. The first, in order of time as well as in weight, is the chance of escape or detection: but this, we may here pass by, as it refers itself to those parts of the judicial system which provide for the securing of offenders, and which come under the extensive and important chapter of Police. But supposing he is so unlucky as to be taken, there are chances of escape still to be computed. The prosecutor may not come forward—evidence may not be forthcoming—juries may be unwilling to convict—judges may be loath to condemn—or mercy may, in the last resort, be extended. Now, in estimating the chance of escape, which each of these circumstances gives him, we cannot fail to observe, that the severity of the punishment goes directly to increase each separate chance.—Whether the practical reasoner, whose case we are figuring, will so argue, is of no consequence; he knows the fact, whatever may be the reason. The fact is, that persons are or may be more slow to prosecute a shoplifter—witnesses more unwilling to come forward—juries more anxious to acquit—and judges more prone to reprieve or pardon—than if the punishment were less severe. This fact being known to him, he being sure, in short, that only one in nearly 1900 is executed for offences of this description, what can be so obvious as the conclusion, that the spectacle he has witnessed proves nothing, practically speaking, but the bad luck of the sufferer; and that it should no more influence his own conduct, than if he never had beheld or heard of it?—Such is the answer which he gives to the second question.

The existence of the law in the statute-book, or, as it is termed, the denunciation there promulgated, is of most feeble force, when put in the balance against such considerations as these. What avails it to tell men that they shall suffer death for certain acts, and to show them the contrary?—Will they believe the book rather than the fact?—Will the rogue appeal from the evidence of his

verses to the text of a statute; and, instead of looking at his comrades taken to prison for shoplifting, and afterwards let off,—will he pore over the 10th and 11th of William III. to convince himself that it is a capital felony? Such fancies really suppose the persons who are the objects of criminal legislation, either to be a great deal more refined, or a great deal more dull and unthinking, than the rest of mankind.

Let us now turn to the administration of this law, and we shall observe the fruits of the doctrine of discretion in another shape. Hitherto we have been considering chiefly its influence upon the public, to whom punishments are addressed. We shall now, in tracing its influence upon the mode of trial see at the same time additional proofs of its interference with the instruction which punishments are meant to convey.

When a person is put upon his trial for a crime, it seems a very obvious proposition, that the truth or falsehood of the charge brought against him should be the point, and the only point, submitted to the consideration of the tribunal before which he is tried—that the sentence, pronounced in the event of his conviction, should impose on him the penalty due to the offence of which he was accused—and that the same tribunal which tries him, should investigate the truth of the charge whereupon the penalty attaches. Yet nothing can be more wide of the proceedings which, in fact, take place under the prevalence of the present system. The charge preferred in the indictment is frequently different from the charge inquired into by the Court. The culprit is accused of having stolen to the amount of five shillings in a shop; and it is *possible* that nothing beyond this charge may come before the Court which is to try it. But it is also very possible that other matter may arise out of the judicial investigation; and that this incidental matter may be so important in its influence upon the ultimate result of the trial, as nearly to supersede the original subject of inquiry. The prisoner may turn out to be a person of abandoned character, generally; he may prove to have been frequently before tried for a similar offence; he may have attempted to defend

himself by suborning perjured evidence. If these things appear against him, the Court considers them; although one of them, and that one which most frequently occurs, is a specific crime known in law, and severely punishable. So, if a person is tried for robbery, the felonious and forcible taking is not the only matter inquired of: A question arises often much more material to his fate, whether any act of violence was committed by him.—Again, the punishment awarded by the sentence is not always that which the law attaches to the crime charged. When one has been suspected of murder, but the proof of this charge fails, he may be convicted of stealing forty shillings in a dwelling; and the offence which cannot be proved—nay, which cannot be mentioned on the trial—may decide the sentence. A person charged with privately stealing in a shop or dwelling, and nominally tried for that offence, but found, in the course of the trial, to be a man of general bad character, or to have set up a perjured *alibi* in his defence, is sentenced to death; evidently not because the law makes the crime charged a capital felony (for this *denunciation* is never attended to in courts), but because he has been found, or supposed, to be guilty of that for which he never was tried, and which no law ever made capital—of having a bad character, which is not punishable at all—or of suborning perjury, which is punishable as a misdemeanour. Lastly, the tribunal which ought to try the truth of the whole charge, is frequently not permitted to inquire into the part of it which is to regulate the final result. This requires a little more attention.

The jury, by our law, are the judges of the whole facts of the case; the whole matter in issue is referred to them. The charge is stated in the indictment; and (at least in the great majority of cases) generally denied by the plea of the defendant. This affirmation on the one hand, and denial on the other, of a proposition of fact, constitutes the issue which the jury are to try; and their verdict, or the opinion formed by them upon examining the evidence adduced on either side, is a decision of this question, or a determination affirming or denying the proposition submitted to them. If the indictment charges that the pri-

soner stole five shillings in a shop, the verdict of the jury can only determine whether or not he did steal to this amount in a shop; and the jury decide no other question. But the prisoner attempts an *alibi*; and the jury no doubt consider whether he has succeeded in proving it. If they say he is guilty of the charge in the indictment, they say by implication that he has not proved his *alibi*: but they say nothing more. They do not determine anything with respect to the merits of this defence, except, in general, that it has failed. How it has failed, they do not decide, nor have they any means of inquiring. It may be, that the prisoner has suborned false witnesses to swear he was absent from the spot where the crime was committed: or it may be, that his friends, unknown to him, have been guilty of this subornation: or it may be, that the witnesses were mistaken in the time, or in the person of the prisoner; and that he alone knew of their mistake. In the first case, he has suborned false witnesses: In the second, he has only stood by, and profited by the subornation of others: In the third, no perjury has been committed; but the prisoner has suffered a mistake to be committed beneficial to his defence, and innocent on the part of those who fell into it—has done something, in short, not very different in point of guilt from the mere assertion of his innocence, implied by pleading the general issue. Now, if the merits of this mode of defence are to regulate the sentence which follows on the verdict of guilty, it is manifest that the material question is not, whether the prisoner committed shoplifting? but, to which of the three cases just enumerated his defence belongs? Because, certainly, if it belongs to the last class, and probably if it belongs to the second, a perfectly different decision will be come to, from that which would follow if it belonged to the first. This, then, is *really* the question to be tried, in so far as the life of the prisoner is at stake: But this is a matter not directly in issue. It is a point into which the jury do not inquire, and upon which their verdict is quite silent. By whomsoever the most material question is tried, the jury have nothing to do with it. They try something quite different, and comparatively unimportant.

The fate of the prisoner depends upon others;—not merely his punishment, but the facts of his case are decided on by the Court. He cannot be said to be tried by a jury.

But are we quite sure that he has been really tried at all;—that the facts most material to his case—those points, upon the truth or falsehood of which the result of the trial hinges, have been judicially inquired into by any part of the tribunal said to try the cause? We fear not. The verdict only answers the question raised in the pleadings; and the trial is only shaped with a view to answer this question. If the witnesses who swear to the *alibi* are mistaken, the affirmative is as much proved as if they were wilfully perjured; and therefore, no inquiry needs be instituted into the point—upon which, however, the sentence is to hinge—Whether there be perjury in the defence or not? It is clear that, if no such inquiry is necessary, none will, in the majority of cases, be made; because the prosecutor only seeks to prove his case, that is, to bring evidence sufficient for substantiating the charge on the record. The Court cannot call witnesses, and try the emerging point—the collateral issue, whether the *alibi* is founded in false swearing or not. There may be grounds of suspicion; observations may occur; the case may, of itself, furnish more or less of light into its origin:—But, how wide is this of the certainty required by our law? The prisoner is fenced round with forms, and protected from all unfavourable presumptions, upon the inquiry which professedly constitutes the subject of the trial, but the result of which is insignificant in determining his life or death;—while the question upon which everything turns, is to be determined without forms, or precautions, or safeguards of any kind—to be decided without deliberate examination, incidentally, and upon the evidence adduced in prosecuting a perfectly different inquiry. Let it also be remembered, that in confining ourselves to the illustration from the aggravation now alluded to, we are taking the case most favourable to the opposite argument, inasmuch as it involves an imputation at least of a known charge, which might be inquired of, and is not a vague indefinite

aspersion, like that of general bad character, which could scarcely, in any shape, be judicially sifted.

Cases will probably occur to the legal reader, in which the result of a trial is affected by matters not put in issue; and others, where the result turns materially upon points which, though in issue, are nevertheless by no means the main object of the proceedings. Thus, where an action of damages is brought against a person for seducing another's wife, and the defence consists in an attempt to prove that the husband treated her brutally, prostituted her to others, or connived at her guilt:—or where a similar action is brought for seduction of a daughter, and the defence is to destroy the woman's character by attempting to prove prostitution — the nature of these defences, if the proof of them fails, will be taken into the account in assessing the damages; and the plaintiff may be said to recover more for the loss of his wife's or daughter's society than he ought to do, because his own or his daughter's character has been attacked in the course of the proceedings. In like manner, if an action is brought for slander or libel, and there is a plea of justification which fails, the damages will be greatly increased, although strictly speaking, the jury are only required to try the matters arising previous to bringing the action. But, in all these instances, the necessity of the case justifies, or rather requires, a departure from strict and rigorous principle. There is no other remedy—no other means of assessing the additional compensation which every one must admit that such defences render just and fitting to be given—at least no means which would not greatly endanger the free course of justice. The inconvenience would be extreme, of allowing separate actions to be brought for injuries sustained by the recriminations of the defendant's counsel; and there would be a manifest absurdity in making the statements set forth on a record, or sworn to (and not falsely sworn to) by witnesses, the subject-matter of new trials. Besides, in all these cases, no inconvenience arises from the incidental matters which are raised for consideration. When these matters are on record, by being pleaded specially, they are in every respect

before the Court, and notified to the opposite party, as much as if they formed the original ground of any proceeding; and even when they arise in the course of trial under the general issue, they are regularly examined and decided upon by the jury, exactly as the rest of the case is.

Very different, however, is the evil of which we have been complaining in our criminal procedure; and it is an evil by no means justified by any necessity. The letter of the law says, shoplifting is a capital felony. The practice of the Courts says, it shall not be punished capitally, except it be accompanied with certain aggravations. Then, why not put those aggravations in issue, as well as the act of shoplifting itself? But is there any sense in thus confounding together distinct offences? Would it not be infinitely better to punish each appropriately and separately? Why not attach a certain penalty to shoplifting, and a certain penalty to subornation of perjury? If the former crime should be punished with transportation or imprisonment, and the latter with imprisonment or pillory—if such would infallibly be the sentences pronounced, where the same person committed the second offence in any other way but in the attempt to escape punishment for the first—why should we, in this one case, confound the two crimes together, and, out of a clergiable felony (as in practice it has become) and a misdemeanour, create, by some strange process of judicial compounding, something quite different from both, a capital felony? Nothing surely can be more rude or clumsy than such a contrivance—nothing more repugnant to all clear and distinct principle.

The object of those improvements, which Sir Samuel Romilly has laboured with such exemplary perseverance to effect in the criminal law, is to correct the inconsistencies, and remove the hurtful anomalies which we have been endeavouring to describe. Finding that the statutes in question are not enforced so as to punish the crimes which they pretend to prohibit, but that they are means of introducing such proceedings as we have just now contemplated;—observing, that all certainty of punishment

is thus destroyed, and that a distinct knowledge of the practical nature of the law, as well as of the very meaning of the punishments inflicted, is withheld from the public, whom the law is made to guide, and the punishments are inflicted to instruct;—persuaded that, though seldom enforced, the denunciations of the statutes in question are sufficient to deter persons from prosecuting, from giving evidence, and from convicting, though they only confound the notions of those whom they are intended to deter from committing the offences; this enlightened and virtuous legislator recommends the adoption of some more fixed and known method of punishing—of the very method which our own practice, as far as it consistently means anything, points out for adoption. He says, repeal the capital part of these felonies, and leave it *certain*, that whoever is guilty of shoplifting, or stealing in a dwelling, or upon a navigable river, shall be punished as guilty of a clergiable felony.

We have already illustrated the importance of making whatever punishment the law denounces, as certain as the imperfections of police and jurisprudence will permit. That the certainty of the punishment is much more important in preventing crimes than its severity, seems a maxim now universally agreed upon. "If it were possible" (observes our author) "that punishment, as the consequence of guilt, could be reduced to an absolute certainty, a very slight penalty would be sufficient to prevent almost every species of crime, except those which arise from sudden gusts of ungovernable passion. If the restoration of the property stolen, and only a few weeks, or even a few days' imprisonment, were the *unavoidable* consequence of theft, no theft would ever be committed. No man would steal what he was sure that he could not keep;—no man would, by a voluntary act, deprive himself of his liberty, though but for a few days. It is the desire of a supposed good, which is the incentive to every crime. No crime, therefore, could exist, if it were infallibly certain that not good, but evil must follow, as an unavoidable consequence to the person who committed it. This absolute certainty, however," he continues, "is unat-

tainable, where facts are to be ascertained by human testimony, and questions are to be decided by human judgments. All that can be done is, by a vigilant police, by rational rules of evidence, by clear laws, and by punishments, proportioned to the guilt of the offender, to approach as nearly to that certainty as human imperfection will admit."

How far these sound and unquestionable principles are violated by the present mode of proceeding, we have already in part explained. But a few more observations may be subjoined upon the same important topic. Those who find that the statutes in question are in fact scarcely ever executed, may conjecture that the knowledge of this will operate upon prosecutors, witnesses, and juries, as well as on culprits; and remove the scruples from the former, as well as the fears from the latter;—a plausible doubt to the first view, but very little founded in the nature of the thing. For, when a man is balancing with himself whether he shall commit an offence, tempted by the desire of attaining some favourite object, his disposition leans towards gratifying this desire; and he adventures in what he accustoms himself (to use our author's apposite expression) to regard as the lottery of justice, provided the chances of escape are considerable. But it is otherwise when a man, under the influence of no such passions, knowing that the culprit is actually taken, weighs with himself whether he shall do an act, the consequence of which will be—not indeed the certain, or even the probable—but the possible death of a fellow-creature; and at any rate the delivering him over to others, in whose discretion it must now be, whether death shall be inflicted or not. "I have had five shillings stolen from me," he says, "by this man. If I come forward against him, he will be convicted; and could I be sure of his only suffering imprisonment, or even transportation, it might be well. But how do I know that his character may not turn out a bad one—that he may not set up a perjured defence—or that, if convicted of the simple offence which he has committed against me, mercy may not be refused? I will incur no such risk;—I will never have to reproach

myself with having *exposed* a man to the risk of being hanged for stealing a crown;—I will not expose myself to the risk of his actually being hanged for such a theft."—How far such reasoning is well-founded, we do not inquire; that it influences men's minds, and directs their conduct, is matter of fact. The same person whom we have been supposing robbed of five shillings, has seen a fellow-creature murdered; he knows that the evidence which he gives, must send the murderer to the gallows; but he feels no such scruples as before:—his feelings all go along with his duty in this case; and he hesitates not a moment what course to take. True it is, that, strictly speaking, he has no right to draw such distinctions; he is assuming a sort of legislative authority; and taking considerations into his mind, which any Judge, who might accidentally discover his process of reasoning, or rather of feeling, would not fail severely, perhaps justly, to reprove. But until all men shall be so fashioned, as to think and feel in their private hours, and in the secret recesses of their hearts, according to the very letter of the law, and shall in every respect act as a lawgiver may desire, he will do well to adapt his contrivances to their natures; and, if he would not be disappointed, he had best lay his account with their following their own inclinations, in all cases where he cannot prevent them. We have put the case of prosecutors and witnesses. To jurors the observation applies with equal force. But the evil effects of the system on that class, are far more to be lamented; and we should in vain hope to describe them so plainly and so forcibly at the same time, as by extracting the following admirable note from Sir Samuel Romilly's pamphlet.

"The latitude which juries allow themselves in estimating the value of property stolen, with a view to the punishment which is to be the consequence of their verdict, is an evil of very great magnitude. Nothing can be more pernicious, than that jurymen should think lightly of the important duties they are called upon to discharge, or should acquire a habit of trifling with the solemn oaths they take. And yet, ever since the passing of the Acts which punish with death the stealing in shops or houses, or on board ships, property of the different values which are there mentioned,

juries have, from motives of humanity, been in the habit of frequently finding, by their verdicts, that the things stolen were worth much less than was clearly proved to be their value. It is held, indeed, by some of the judges (whether by all of them, and upon all occasions, I am not certain), that juries in favour of life may fairly, in fixing the value of the property, take into their consideration the depreciation of money which has taken place since the statutes passed; or, in the words of Mr. Justice Blackstone, 'may reduce the present nominal value of money to its ancient standard.'[1] To show, therefore, to what an extent juries have assumed to themselves a power of dispensing with the law in this respect, it will be proper to refer to the earliest trials, for these offences, that I happen to have met with.

"In the year 1731-2, which was only thirty-two years after the Act of King William, and only sixteen after the Act of Queen Anne, a period during which there had scarcely been any sensible diminution in the value of money, it appears from the sessions papers, that, of thirty-three persons indicted at the Old Bailey for stealing privately in shops, warehouses, or stables, goods to the value of five shillings and upwards, only one was convicted, twelve were acquitted, and twenty were found guilty of the theft, but the things stolen were found to be worth less than five shillings. Of fifty-two persons tried in the same year at the Old Bailey, for stealing in dwelling-houses, money, or other property, of the value of forty shillings, only six were convicted, twenty-three were acquitted, and twenty-three were convicted of the larceny, but saved from a capital punishment by the jury stating the stolen property to be of less value than forty shillings. In the following years, the numbers do not differ very materially from those in the year 1731.

"Some of the cases which occurred about this time are of such a kind, that it is difficult to imagine by what casuistry the jury could have been reconciled to their verdict. It may be proper to mention a few of them.—Elizabeth Hobbs was tried in September 1732, for stealing in a dwelling-house one broad piece, two guineas, two half-guineas, and forty-four shillings, in money. She confessed the fact, and the jury found her guilty, but found that the money stolen was worth only thirty-nine shillings. Mary Bradley, in May 1732, was indicted for stealing in a dwelling-house, lace which she had offered to sell for twelve guineas, and for which she had refused to take eight guineas; the jury, however, who found her guilty, found the lace to be worth no more than thirty-nine shillings. Wm. Sherrington, in October 1732, was indicted for stealing privately in a shop, goods which he had actually sold for 1*l.* 5*s.*, and the jury found that they were worth only 4*s.* 10*d.*

"In the case of Michael Allom, indicted in February 1733, for privately stealing in a shop, forty-three dozen pairs of stockings, value 3*l.* 10*s.*; it was proved that the prisoner had sold them for a guinea and a half, to a witness who was produced on the trial; and yet the jury found him guilty of stealing what was only of the value

[1] Com. vol. iv. p. 239.

of 4*s.* 10*d.* In another case, that of George Dawson and Joseph Hitch, also indicted in February 1733, it appeared that the two prisoners, in company together at the same time, stole the same goods privately in a shop, and the jury found one guilty to the amount of 4*s.* 10*d.*, and the other to the amount of 5*s.*; that is, that the same goods were at one and the same moment of different values. This monstrous proceeding is accounted for by finding that Dawson, who was capitally convicted, had been tried before at the same sessions for a similar offence, and had been convicted of stealing to the amount only of 4*s.* 10*d.* The jury seem to have thought, that having had the benefit of their indulgence once, he was not entitled to it a second time; or in other words, that having once had a pardon at their hands, he had no further claims upon their mercy."—pp. 65–67.

The able and satisfactory refutation of Dr. Paley, which forms a considerable portion of this tract, we regret that we cannot pursue in detail. Earnestly entreating the reader's best attention to it, we must close our account of the publication with a very eloquent passage, in which one of Dr. Paley's positions is commented on—the most paradoxical, and yet the most mischievous, in the whole reasonings of this writer upon the subject of Criminal Law. We allude to the argument by which he contests the maxim, that it is better ten guilty persons should escape, than one innocent man suffer. Again referring to Sir Samuel Romilly's own pages for the full and convincing refutation of Paley's doctrine, we shall here only present the concluding passage of it to the reader's admiration.

"When the guilty escape, the law has merely failed in its intended effect; it has done no good, indeed, but it has done no harm. But when the innocent become the victims of the law, the law is not merely inefficient—it does not merely fail of accomplishing its intended object—it injures the persons it was meant to protect—it creates the very evil it was to cure, and destroys the security it was made to preserve.

"'They ought rather,' continues Paley, 'to reflect, that he who falls by a mistaken sentence, may be considered as falling for his country, whilst he suffers under the operation of those rules, by the general effect and tendency of which the welfare of the community is maintained and upheld.' Nothing is more easy than thus to philosophize and act the patriot for others, and to arm ourselves with topics of consolation, and reasons for enduring with fortitude the evils to which, not ourselves, but others, are exposed. I doubt, however, very much, whether this is attended with any salutary effects. Instead of endeavouring thus to extenuate, and to reconcile to the minds of those who sit in judgment upon their fellow-

creatures, so terrible a calamity as a mistake in judicature to the injury of the innocent, it would surely be a wiser part to set before their eyes all the consequences of so fatal an error in their strong but real colours;—to represent to them, that of all the evils which can befal a virtuous man, the very greatest is to be condemned, and to suffer a public punishment as if he were guilty;—to see all his hopes and expectations frustrated; all the prospects in which he is indulging, and the pursuits which he is following, for the benefit, perhaps, of those who are dearer to him than himself, brought to a close;—to be torn from the midst of his family;—to witness the affliction they suffer, and to anticipate the still deeper affliction that awaits them—not to have even the sad consolation of being pitied;—to see himself branded with public ignominy;—to leave a name which will only excite horror or disgust;—to think that the children he leaves behind him, must, when they recal their father's memory, hang down their heads with shame;—to know that, even if, at some distant time, it should chance that the truth should be made evident, and that justice should be done to his name, still that his blood will have been shed uselessly for mankind—that his melancholy story will serve, wherever it is told, only to excite alarm in the bosoms of the best members of society, and to encourage the speculations for evading the law, in which wicked men may indulge.

"When we are weighing the evil of the punishment of one innocent man against that of the impunity of ten who are guilty, we ought to reflect, that the suffering of the innocent is generally attended, in the particular instance, with the escape of the guilty. Instances have, indeed, occurred like that which I have already mentioned of Calas, where a man has been offered up as a sacrifice to the laws, though the laws had never been violated;—where the tribunals had committed the double mistake of supposing a crime where none had been committed, and of finding a criminal where none could exist. These, however, are very gross, and therefore very rare examples of judicial error. In most cases the crime is ascertained; and to discover the author of it is all that remains for investigation; and in every such case, if there follow an erroneous conviction, a twofold evil must be incurred, the escape of the guilty, as well as the suffering of the innocent. Perhaps, amidst the crowd of those who are gazing upon the supposed criminal, when he is led out to execution, may be lurking the real murderer, who, while he contemplates the fate of the wretch before him, reflects with scorn upon the imbecility of the law, and becomes more hardened, and derives more confidence in the dangerous career upon which he has entered."—pp. 74-76.

We should here have closed the remarks on Sir Samuel Romilly's proposed reforms into which we have been led, had not the attempts that have been made by bigoted and interested men to cry down the object, as well as to distort the designs of his truly patriotic and humane labours,

called for some more general notice. It is not our intention to go into the subject of his plans, generally, upon the present occasion; but we conceive that a simple statement of what he has effected, and what he has proposed, unfortunately without success, may tend to dissipate at once the mist which the heats of personal and party animosity have raised round this admirable and most deservedly popular character; and to show how far the charge of "*rash and daring innovation,*" which has so wildly been launched at him, is founded in the facts. Those who, without looking at the real extent of his different plans, may have heard of this imputation, we venture to predict, will be not a little astonished when they come to see the real state of the case.

The first subject which engaged Sir Samuel Romilly's attention after he came into Parliament, must, we should suppose, be admitted on all hands to have been peculiarly appropriate;—one, which his professional habits singularly well qualified him to deal with—the Bankrupt Law. From the manner in which his legislative labours have been treated, those who do not know much of this learned person might be tempted to imagine, that he was some wild enthusiast, rushing from his study, in utter ignorance of the world, to pull down the established judicial system with which he was unacquainted, and erect another upon his own speculative and fantastical views. But we believe the bulk of our readers are aware, that he belongs neither to this description, nor to that other class which the country has some experience of; and which, with the cry of innovation on their lips, dabble to no small extent in legislative changes—narrow-minded and violent persons—brought up to the profession of the law, and vainly attempted to be pushed into its employments by the hand of power and patronage—but wholly unable to acquire practice themselves, or to retain that which is thrust upon them, and ever ready to abandon the trade as hopeless, for offices where court favour may be powerful enough to support them. Sir Samuel Romilly was not of this caste. He had, by the force of his own learning and talents, and the most spotless integrity, risen to the very heights of profes-

sional ambition, before he was even heard of in Parliament;—and when he approached the important subjects of the Bankrupt Law, and the Law of Debtor and Creditor in general, he was, beyond all question or pretence of rivalry, the first man in the Courts of Equity in this country. The reforms which he here began with suggesting, were the result of his own observation, in the course of a practice the most various and extensive; and, moderate as they were in extent, they are much greater changes than any of those which he has since ventured to recommend. In addition to those undoubted intrinsic advantages, he possessed accidentally another, at the time to which we are referring, that of being his Majesty's Solicitor-General; and to this we, in all probability, owe the comparatively slight opposition with which his first and most important measures were carried.

It is, no doubt, known to the reader, that, by the original and fundamental principles of the Bankrupt Law, the whole estate of the bankrupt vests in the assignees under the commission by relation, from the time of the act of bankruptcy; so that all his dealings, with respect to the estate after the act of bankruptcy, all his conveyances or payments to others, and all their payments of debts due to him, are liable to be rescinded by the assignees. The numerous hardships consequent on the rigorous prosecution of this principle, and its utter repugnance to the state of things in a commercial country, had very early occasioned a relaxation of it; and, by the statutes of 1 Jac. I. c. 15, and 21. Jac. I. c. 19, protection had been given to payments of debts *bonâ fide* due to the bankrupt, before the debtor knew of his bankruptcy, and to purchasers for a valuable consideration from the bankrupt, where the commission was not sued out within five years after the act of bankruptcy. But further relaxation being found necessary, by the 19 Geo. II. c. 32, further protection was extended to persons dealing with the bankrupt, against the effects of the principle of relation, in respect of secret acts of bankruptcy. It protects receipts of money by *bonâ fide* creditors, in the usual course of trade, in respect of goods sold to the bankrupt, or bills drawn, negotiated, or accepted

by him. The principle of relation was, however, still much too rigorous; and, in some particulars which the statutes of James I. and Geo. II. had not even touched, it was productive of the most intolerable hardships. The *bonâ fide* debts contracted subsequent to a secret act of bankruptcy, with persons wholly ignorant of that act, could not be proved under the commission;—and, what was still worse, a commission regularly sued out, upon the petition of a creditor wholly ignorant of any secret act of bankruptcy committed prior to the contracting of his debt, and regularly proceeded in through all its stages, was liable to be avoided, and, with all the proceedings under it, utterly annulled, upon the discovery of some secret act of bankruptcy prior to the petitioning creditor's debt. To remedy such great evils, and to relax generally the principle of relation, according to a fixed and immutable rule, were the chief objects of the 46 *Geo. III. c.* 135, the first of Sir Samuel Romilly's acts. Beside allowing *bonâ fide* debts to be proved, notwithstanding previous secret acts of bankruptcy, and protecting the commission and proceedings from such acts, provided that, in either case the creditor was ignorant of them, this statute protects all dealings with the bankrupt *bonâ fide* had, above two months before the date of the commission, from the effects of a prior act of bankruptcy, provided the person dealing with the bankrupt had no notice of that act, or of the bankrupt's insolvency, or of his stopping payment. These are the principal enactments of this statute:—And, that they form a most important amendment of the law, can be doubted by no one who is not ready to defend every existing abuse, and injustice and impolicy,—and to maintain that everything is perfect which has been made law before a certain date.

The statute which we have now been considering, was amended in some respects by another, which its author carried through Parliament in 1809, the 49 *Geo. III. c.* 121. The alterations made on the former related to points which we have not specified; chiefly to the provision of that statute, which made a docket struck notice of a prior act of bankruptcy, whether a commission was sued out upon it or not. But this last statute introduced many

salutary changes into the proceedings under commissions;—it enlarged the facilities of proving debts—it extended to executions and attachments against lands and goods the protection from the effects of secret acts of bankruptcy which the former statute had given to *bonâ fide* dealings with the bankrupt—and it enacted, that the production of the commission and proceedings should in all actions, by, or against, the assignees, be evidence of the trading, the act of bankruptcy, and the petitioning creditor's debt; unless notice be previously given of an intention to contest these points, and dispute the validity of the commission. We believe the general experience of the profession has decided in favour of these alterations; and that the only doubt which remains relates to another, and perhaps the most material branch of the act, by which the concurrence of *three-fifths* in number and value of the creditors is declared sufficient to grant the bankrupt's certificate and discharge, instead of *four-fifths*, the proportion formerly required. Into the merits of this point, however, it would be inconsistent with the plan of this sketch to enter. We are confident that the question will receive a full and rigorous, though candid, scrutiny among the learned persons within whose province it lies to decide it; and we are no less persuaded, that the first to acknowledge he has been wrong, and to assist in correcting the error, will be the liberal and ingenious author of the measure, if a further trial shall convince him that the old proportion is preferable.[1]

In the next measure which Sir Samuel Romilly proposed, he would, in all probability, have been equally successful, but for the change of ministry which took place while his bill was passing through the House of Commons. By the law of England, the creditor has his election (except in the case of debts to the Crown—for the other

[1] We refer our readers, for many important observations on these subjects, to the excellent pamphlet published by Mr. Evans, entitled '*A Letter to Sir Samuel Romilly.*' This is the same gentleman to whom the world is indebted (among other valuable publications) for a translation of Pothier's work, with most learned and useful commentaries; and certainly there are few members of the profession who adorn it with more depth and variety of legal learning.

kinds of extent are obsolete), of taking either the property or the person of the debtor[1] in satisfaction of his debt; and if he takes his real estate, he can only seize one half of the land, out of the profits of which he may satisfy one debt. This remedy is not a very ample, nor a very easy one in all cases; but there is one case in which it wholly fails. If a person owes money on simple contract, and dies before any judgment has been obtained, unless he leaves personalty, the creditor has no claim upon his estate, however extensive it may be, and how little soever burthened with debts by specialty, and however free from the fetters of an entail. Thus a man may owe upon bill, note of hand, or account with his tradesmen, ten or twenty thousand pounds—he may die and leave his son, or a stranger, a clear landed estate to the amount of twenty thousand a year:—Not one of his creditors can come upon this estate for payment. When Sir Samuel Romilly broached this subject the evil was still more enormous. A person might engage in trade to the largest amount—he might, for example, by the issue of notes, obtain possession of hundreds of thousands—he might vest all this in land; —if he died, and left the land to his family, or to a stranger, the creditors, with whose money it had been bought, could not touch an acre of it.[2] Sir Samuel Romilly, therefore, introduced a bill to make the freehold

[1] He may take, in the first instance, the goods in execution; and then, for the part of the debt remaining unsatisfied, he may take the person of the debtor; or he may take the goods, and the profits of the land already accruing (a remedy nearly obsolete); or he may take the goods, and a moiety of the land, to hold by *elegit* until the debt is satisfied. He cannot take the person first, and then the goods; nor can he take the person and the land. For debts by statute-merchant and statute-staple, he could have taken all three by extent; but these kinds of recognizance being now obsolete, the only extent in use is that issued for debts due to the Crown; and to satisfy these, goods, lands, and person are all liable, and the lands even in the hands of a *bonâ fide* purchaser for a valuable consideration. Our readers, in this part of the United Kingdom, will readily excuse us for mentioning these particulars, as necessary to prevent mistakes.

[2] There were innumerable cases of this kind; and one is pretty well known, in which the debtor destroyed himself to defraud his creditors, and left his, or rather their, land to his heir.

estates of persons dying indebted, asserts for the payment of their simple contract debts. He cautiously abstained from touching copyhold estates—he proposed that specialty creditors should still have full preference: yet great exemption was taken at such "daring innovation;"—an attempt was made to raise an alarm among the aristocracy, by a cry of the landed interest being in danger; and the supporters of the bill were openly accused of insulting the memory, and undervaluing the "wisdom of our ancestors." It would be a tedious and unprofitable task to expose such base follies as these;—to ask what honour the aristocracy could derive from a privilege to cheat their creditors, of which no honest man ever did or can avail himself, and which notoriously is only beneficial to the most unprincipled of men;—to demand where is the consistency of protecting the landed estate of a man the moment he dies, while you leave it at the mercy of alienation during his lifetime,—or to suggest that every session pre-supposes, and of necessity must promulgate laws, by which the "laws of our ancestors" are repealed, and their "wisdom" disregarded,—if, indeed, it be disregarding their wisdom, to do the very things which, in all probability, they would have been too wise to leave undone, had they been called to legislate in circumstances like ours. Nevertheless, these topics, if such they may be termed, were eagerly caught, for the purpose of exciting clamour. The Anti-Slavery cry being raised, the ministry with which Sir Samuel Romilly was connected were turned out;—and, on the day of their resigning, the same corrupt (we allude to the secret advisers of the King and Royal Family,) unable to resist the abolition of the Slave Trade, so hateful in their sight, consoled themselves for its being extorted from them on that very day, by rejecting Sir Samuel Romilly's bill.

During the short session in summer 1807 which suc-

[1] It is a melancholy but unquestionable fact, that his Majesty, the Prince of Wales, and the majority of the Royal Family (one praiseworthy exception of the Duke of Gloucester) uniformly and zealously opposed the abolition of the Slave Trade. The commons have of course agreed.

followed, he renewed his efforts with exemplary perseverance, and succeeded in carrying a portion, but the most material part, of the former measure. It was enacted, by the 47 *Geo. III. st.* 2, *c.* 84, that the freehold estates of persons deceased, who were, during their lifetime, traders within the bankrupt laws, shall be assets for the payment of their simple contract debts, preference being given to their specialty debts. How much soever we may rejoice at so wise and just a bill having received the sanction of Parliament, it is not very easy to descry the consistency of the silent acquiescence given to this measure, with the loud outcry raised against the other a few months before.

In the same short session, Sir Samuel Romilly carried another act, which might be thought to trench somewhat on parliamentary privilege; and indeed would, in all probability, have been thrown out, had it been proposed to Parliament after three years' additional experience had taught most of our public men far higher lessons of privilege. Members of Parliament had a most useless, and in many cases oppressive, right, when sued in courts of equity, of receiving, at the cost of the plaintiff, a copy of the bill filed against them. The expense of this not being allowed in costs when the suit was determined in favour of the plaintiff, a serious burden was imposed upon every one claiming his rights against those having privilege of Parliament, a burthen quite sufficient to prevent the suit, where the value of the matter in dispute was inconsiderable, or where (as frequently happens) several must be made parties to the bill who were members of Parliament. By the 47 *Geo. III. st.* 2, *c.* 40, Sir Samuel Romilly put an end to this odious privilege, as far as regards members of the House of Commons.

The next subject which engaged his attention, is so closely connected with the reforms discussed at large in the former part of this article, that we shall not enlarge further upon it, than merely to indicate it. Since the reign of Elizabeth (8 *Eliz. c.* 4), the picking of pockets had been punishable as a capital felony; though, for a long time past, like the acts already discussed, this penalty never had been inflicted, unless something else came out

against the culprit. By the 48 *Geo. III. c.* 129, this offence is made a felony within clergy, and punishable with transportation or imprisonment. It seems strange that the legislature which repealed the statute of Elizabeth, should, immediately afterwards, have made such a stand against the repeal of the statutes of Anne, William III., and George II., so often above referred to. The argument is the very same in all these cases; and it was treated in the same way when the subject was broached in Parliament. Nevertheless, Sir Samuel Romilly having attempted twice to carry these last bills, was defeated sometimes in the one, and sometimes in the other House; so that the objectionable laws remain on our statute-book, and the evil practice still subsists in full force. With a discrimination, however, which we must rejoice in, without pretending to comprehend the grounds of it, the same persons who so vehemently and successfully resisted the innovations attempted upon the statutes of King William and Queen Anne, have suffered Sir Samuel to carry a bill repealing the capital part of the felony created by the more recent act 18 *Geo. II. c.* 27, against stealing from bleaching grounds; and, while we write, intelligence has reached us of his having been permitted to carry a repeal of that most sanguinary and disgraceful law (39 *Eliz. c.* 17), inflicting the punishment of death on soldiers and sailors who shall be found begging without testimonials of their discharge;—a law which was far too barbarous to be executed later than a very few years after it was made.

This statement of the seven bills which Sir Samuel Romilly has succeeded in carrying, and of the four in which he has failed, may serve to show the reader, not previously acquainted with these matters, what the real extent is of those reforming and innovating designs about which he must have heard so much. He will probably rise from the consideration of the subject, with a conviction that no clamours were ever raised upon a more slender groundwork; and will feel disposed, after contemplating the sum of his legislative labours, to admire, for his exemplary caution, and temperance, and wisdom, the man, whom he has been accustomed to venerate for his devotion

to the cause of liberty, and to love, for the purity of his blameless life, and the generous warmth of his feelings towards his fellow-creatures. From such grateful reflections we would not rashly or hastily withdraw the reader of these pages to the spectacle he will encounter, upon casting his eye towards the antagonists of this eminent legislator. But our sketch, feeble at the best, would be still more imperfect, if we forgot to note, that they who thus persecute, with their base clamours, the author of such moderate and disinterested reforms as we have been discussing,—they who affect to hold up this profound and practical lawyer as a theorist rashly seeking the destruction of English jurisprudence,—they who would set a mob upon him if they durst, for striving to render the people more virtuous, more peaceful, more orderly—without any party view or bias whatsoever—(for the faction whose cause he espouses is that of his country and his kind)——they, are the very men who for the last twenty years have been tampering with every principle and bulwark of the constitution,—levelling about them, to serve party and personal interests, all the fundamental laws of the realm,—suspending the statutes in which the English government is embodied,[1]—violating the solemn compacts between prince and people, upon which the throne was limited to the reigning family,[1]—repealing the safeguards of the estates annexed to the Crown, in order to humour, or enrich, the individual who, for the time, happens to wear it,[2]—multiplying capital felonies, in order at one time to crush the spirit of the people,[3] at another to protect some trading company in its undue gains,[4]—and (to pass over numberless lesser extravagances) oversetting the most ancient and venerable parts of the law of the land, by interfering between debtor and creditor, landlord and tenant,—destroying the existing contracts of the former, and the established securities of the latter.[5]

[1] Habeas Corpus, Bill of Rights, &c.
[2] 39 Geo. III. c. 88, repealing 1 Anne, st. 1, c. 7.
[3] Gagging Bills. [4] Bank Bills.
[5] The Bank Note Bills of 1811 and 1812.

# BENTHAM—THEORY OF PUNISHMENTS.

(October, 183.)

*Théorie des Peines et des Récompenses.* Par Jeremie Bentham, Jurisconsulte Anglois. Rédigée en François d'après les Manuscrits, par M. Et. Dumont de Genève. A Londres, Dulau, 1811. 2 vols. 8vo. Pp. 800.

We have already had occasion to mention this very interesting work, and to express our regret at the accidents which more than once interfered with the design of laying its contents before our readers. We are at length enabled to accomplish this purpose; and the delay which has occurred, by affording additional time for meditating upon the subject, has only confirmed the conviction originally entertained, of the essential service rendered to the most important branch of legislation by the promulgation of Mr. Bentham's doctrines.

It is to Mr. Dumont, upon the present as on a former occasion, that we are indebted for a knowledge of these valuable speculations. The greater part of them had been completed, as far as their author did complete them, above 30 years before the date of the present publication. During that long period they had lain in his repositories neglected by him, or considered as materials for a branch of his great work on Legislation, into which they might enter at some future time—or perhaps only regarded as notes amassed for his own use, in the course of his private studies. Had not the same zealous and friendly hand interposed, to which we owe the "*Traités de Législation*," this treatise, although almost complete in itself, and perfectly capable of being separated from the vast system of

practical ethics to which it naturally belongs, would in all probability have been withheld till the period at which that work may be finished, with the still greater chance of its entire suppression, owing to the extreme fastidiousness of Mr. Bentham upon the subject of his own compositions. Happily, Mr. Dumont prevailed upon him to confide the materials to his care; and, notwithstanding almost every disadvantage under which a work of this nature can be undertaken, he has so thoroughly entered into his author's spirit, is so conversant in the topics discussed, and writes with such admirable precision, as well as liveliness and elegance, that but for the information conveyed in the title-page and preface, it would be difficult to imagine that the work did not contain the author's own statement of his principles.

So great being Mr. Dumont's merits—so large indeed being his share in the *execution* of the work—it is only rendering him a just tribute, if we stop for a moment to dispute the title of *Rédacteur*, which his modesty inclines him to assume. He much more nearly resembles an adept, delivering to the world the doctrines of the school of philosophy to which he belongs. The materials put into his hands were frequently extremely imperfect, although much more bulky than the work, in which he has rather embodied their spirit than disposed themselves. They often presented to him different essays on the same points, which he was to seize or collect, and to illustrate himself, or accompany with the author's illustrations, according to circumstances. In some chapters, he had nothing but a few marginal notes for his guidance. One whole book was formed out of scattered fragments, which had not only to be collected and arranged, but connected and extended. The important discussion on capital punishments was left unfinished. In treating such branches as these, it is plain that Mr. Dumont had an office to perform nearly resembling that of the restorers of the ancient Geometry, who, from the precious relics in Pappus —sometimes an enunciation without the analysis or construction—sometimes a proposition without demonstration —sometimes a few propositions prefatory to the lost in-

vestigations—frequently an obscure remark or hint,[1] referring to the lost books, and darkly shadowing out their contents—have, by their exquisite skill and taste, been enabled to give the modern world the most refined speculations of the ancient, in a state of perfection, probably somewhat higher than they originally attained in the hands of their illustrious authors.

Mr. Dumont was enabled to supply the blanks left in other parts of his materials, from some of the former publications of Mr. Bentham; and in his selections from these, and his manner of incorporating them, so as to preserve the unity of the design, he has exhibited his accustomed skill. Although, however, in this, as in the performance of his task generally, he has been forced to take a range very different from that of ordinary editors—translating or commenting, abridging or filling up, according to the nature of the case—he reminds his reader, as he did upon the former occasion, that the details or execution alone rest upon him, and that, after all, it is Mr. Bentham's work, and not his own, which he presents to the public as faithfully as circumstances permit. That Mr. Bentham was satisfied with the fidelity of his last publication, he infers from the confidence again reposed in him; but he adds, that Mr. Bentham has in nowise interfered with the execution of the present work, and has even refused to look at it during its progress. Retaining indeed the same opinions which he held when he originally prepared the materials, but pursued by the fastidiousness that made him suppress them, he could not have satisfied himself with the form in which he had disposed them; and had he touched them again, it must have been to compose them anew. "Que M. Bentham," says his friend, "trop difficile sur ses productions ne crut pas celle-ci digne des regards publics, c'est ce qui n'étonnera point ceux qui savent tout ce qu'il exige de lui-même, et les idées qu'il se forme d'un ouvrage achevé."

We could not, in justice to Mr. Dumont, omit alluding

[1] See especially Dr. Simson's restorations of Apollonius's *Loci Plani*, and Euclid's *Porisms*. See, too, Professor Playfair's Inquiries, in the *Edin. Trans.*

to these particulars; for the labours of those who, with ample capacity for original speculation, devote themselves to expound the systems of others, rarely meet the applause so justly their due; and it is still more rare that such commentators share so largely in the merits of the original author. Before proceeding to the work itself, we have to mention, with real satisfaction, the notice contained in the preface, respecting the success of the former treatise. Notwithstanding all the disadvantages under which it came out, and the subsequent convulsions of the Continent where it was chiefly destined to circulate from the language and the place of publication, three thousand copies have been required in no long period of time; the name of the author, too, having scarcely before been known out of England. That its principles have not been without effect, may safely be inferred from the repeated allusions made to it in the several official publications upon legislative codes, promulgated to the state in different parts of Europe.

The work before us consists of two great parts or branches; the theory of penal legislation and the theory of remunerative legislation. In the first are delivered systematically all the principles which ought to regulate the choice of different modes of punishment and the apportionment of punishments to crimes. In the second are exhibited the principles upon which the lawgiver ought to proceed when he holds out inducements either alone or attended with corresponding penalties, to influence the conduct of his subjects. The inquiry under both heads is accompanied with constant reference to the actual state of things in relation to the principles laid down or deduced; that is, the consonance of the practice of lawgivers, to the theory, or its departure from that theory. The work is eminently entitled to the appellation of original in each of its departments. The doctrine of punishments had rather been sketched than systematically unfolded, even by those of the few former writers on the subject who had professed to enter most largely into it. The doctrine of rewards had scarcely been treated at all, and never in a distinct and separate form. It is delightful to follow this investigation from the clearness and facility with which its steps

succeed one another, and the copiousness with which every part of the outline is filled up. But the speculative pleasure derived from it as a theory, is soon disregarded in the midst of the practical questions which are constantly arising out of the applications of the general principles. We shall pursue the two branches of the inquiry in their order. But as they are capable of being handled separately, and each forms in itself a distinct whole, independent of the other, we purpose at present to confine our attention to the theory of punishments; which is discussed in five books.

I. The *First* Book explains the general principles of the system, and opens with definitions and classifications, the most essential only of which shall be here noted. Punishment, in its most general sense, is the infliction of some evil upon an individual, with the intention that he should suffer this evil, and with a reference to some act done or omitted. Punishment in its legal sense, is the infliction of some evil according to judicial forms, upon an individual convicted of some act[1] forbidden by law, and with the intention of preventing the recurrence of such acts. Punishments as well as crimes are divisible into four classes, as they effect the *person*, the *property*, the *reputation* or the *condition* of those upon whom they are inflicted. Those punishments which affect the person, or, as they are commonly called, corporal punishments, are subdivided into various species; they may be simply afflictive, or complexly so, or restrictive, or active (*e. g.* compulsory labour), or capital. The other three classes are all privative, affecting the delinquent with loss or degradation. Hence another general classificatian of punishments, by dividing them into *corporal* and *privative*.[2]

[1] Our author has it "quelque acte *nuisible*, défendu par la loi," which is a tautology.

[2] Perhaps this language, if not the arrangement itself, does some little violence to common usage. Thus, imprisonment is commonly considered as a privation of liberty; but in the above arrangement it comes not under the privative class, but under the restrictive, which is a subdivision of the corporal. So the pillory (if such a disgrace to all criminal legislation may be mentioned on this occasion) is, according to the above arrangement, not a *corporal*, but either a *privative* or a *mixed* punishment.

It follows from the definition, that the object of all punishment is the prevention of the offence in future. Now, as it may either be repeated by the same delinquent, or by other persons in similar circumstances, and as the lawgiver has to provide against each of these events, he must direct the punishment with a view to both. It may tend to prevent the delinquent from repeating his offence, in three ways: by taking from him the physical power of committing it; by taking away the desire; or by deterring him. The other, and principal object of the infliction, that of restraining others, can only be accomplished, as far as the punishment is concerned, by the threat of similar infliction which it holds out. These objects, as they form the only just motives, constitute also the only justification of punishments. "If," says our author, "we were to regard the crime which has been committed as an insulated event that could not recur, the punishment would be wholly thrown away; it would be only adding one evil to another. But when we consider, that a crime left unpunished would leave the way towards the same offence, open both to the former delinquent, and to all others under the influence of similar motives, we come to view the punishment inflicted upon the individual as a safe-guard to all. Punishment, however vile an instrument in itself, and however repugnant to generous sentiments, rises into a blessing of the highest order, when regarded not as an act of anger or resentment against a guilty or an unfortunate person who has yielded to hurtful propensities, but as a sacrifice indispensably necessary to the public safety." Although the direct and primary object of punishment is prevention, the civil magistrate has another duty to perform after he has provided for that object; viz. to provide as far as possible for the reparation of the injury sustained through the crime committed. It is manifest that the consideration of this subject belongs to the plan of the present treatise, only in so far as punishments may be made subservient to the purposes of reparation. It is possible that some readers may at first view consider these principles as nearly self-evident, and scarcely requiring a detailed statement; but a little reflection upon the penal codes of any age or country, or a slight attention to the

favourite arguments on criminal legislation, by showing how constantly they have been departed from, both in theory and practice, will evince the necessity of taking once for all a steady view of them, and thus fixing in our minds, as the fundamental maxim which may perpetually be appealed to, that there never can be any other legitimate objects in punishing, besides those now laid down.

The *expense* or *cost* (*dépense*) of any punishment, is, in the language of this system, the whole evil of every kind occasioned by it, including the suffering of the delinquent, —the loss of his labour or life to the state,—the pecuniary cost of his punishment,—in short, everything endured, paid, or foregone, in order to obtain the double preventive which the punishment is intended to administer. The *gain* or *profit* of the punishment consists in this preventive, or in the tendency of the punishment to secure it. A punishment may be termed frugal or economical which produces the desired effect with as little suffering as possible: For, in estimating the expense of any punishment, all the other items bear so small a ratio to the grand article of the injury inflicted upon the delinquent, that they may, generally speaking, be disregarded, unless where they are made the subject of a separate discussion: So, a punishment may be termed costly or prodigal, when the same effect might have been produced by a smaller degree of suffering. Again—the *real value* is distinguished from the *apparent*[1] *value*, of the suffering; the former being the actual amount of that which is inflicted; the latter, the portion of it which is exhibited, or otherwise made known to and understood by the public. The expense of the punishment is equivalent to the real amount; the profit is in proportion to the apparent amount only; and hence we deduce these important maxims: 1. that, *cæteris paribus*, a punishment easily comprehended, is preferable to one of difficult apprehension: 2. that one which takes hold of the memory, is preferable to one easily forgotten:[2] 3. that

[1] Perhaps *visible* would be a better term, as *apparent* conveys a different idea.

[2] The second maxim is in some degree related to the first, but not contained in it; for facility of comprehension is only one of many circumstances which regulate the facility of recollection.

one which is as great or greater in apparent than in real amount, is preferable to one which is really greater than it appears to be,—the excess of real amount being in truth so much thrown away, in so far as regards the principal object, of general example.

The principles which ought to regulate the extent of punishments, in respect of the crimes intended to be prevented, are next laid down. The lawgiver, referring constantly to the subject of his operations—the mind of a person under temptation to commit the offence—must apportion the punishment so as to counteract the temptation. To maintain that men do not calculate when they do wrong, is quite erroneous, taken as a general position. It would be much more correct to say, that no man, however inconsiderate, takes a step of such importance as the commission of a criminal act, without some deliberation or reasoning. But, at all events, (though our author has omitted to mention it,) one consideration is sufficient to justify the apportionment of punishments, even in cases where the offence flows from the most vehement passions. The knowledge of the punishment forms certain habits of restraint, by operating upon the mind in its cooler moments, when the incentives to violent excesses are at a distance; and a general or perpetual bias thus given, will, in a great majority of cases, have its effect at the critical moment of incitement. We shall, therefore, trace the limits within which punishments should be confined, upon the supposition that the lawgiver uses them as counteracting motives to determine his subjects against yielding to their criminal propensities. This sketch is contained in the following propositions. *First*, the evil of the punishment must exceed the advantage arising from the crime; and, under this head, is comprehended the position, that, generally speaking, the stronger the temptation to commit any crime, the more severe ought to be the punishment, subject however to exceptions in extreme cases which may easily be figured. *Secondly*, where the criminal act is such as to furnish clear proof of a habit or practice, the punishment should be in proportion, not to the gain derived from a single offence, but to the probable

amount of profit reaped from a course of such conduct. *Thirdly*, an addition must be made to the punishment, in order to compensate its want of certainty and proximity: Thus, were it perfectly certain that the moment after a theft was committed, the thief would be compelled to refund the sum stolen, there is no doubt that he would abstain from the act; but the uncertainty or distance of this penalty, renders such punishment wholly inadequate to deter him. *Fourthly*, in cases where there is a temptation to commit different crimes, a more severe punishment should be denounced against the greater crime. One of the strongest arguments against multiplying the more severe punishments, is deducible as a corollary from this proposition. *Fifthly*, the more pernicious any crime is, the more safely may a severe punishment be ventured upon, for the chance of preventing it—a rule, the justness of which, however self-evident, has been almost uniformly neglected by legislators. *Sixthly*, the nominal amount of punishment for the same crime, must often be varied at the discretion of the judge, according to the circumstances of the delinquent, in order to preserve the same real amount of suffering.

From the consideration of the measure or quantity of punishments, the transition is easy to that of their qualities. Those which are chiefly desirable in the nature of a punishment, are, that it should be *divisible—invariable*, or *certain* or *equal—commensurable* with others—*analogous* to the crime—*exemplary—economical—remissible*; that it should restrain the offender from doing harm—conduce to his *reformation*—yield a *profit*, in the ordinary sense of the word—be *simple* in its description—and so far *popular* as to shock none of the established feelings or prejudices of the community. These qualities are, for the most part, understood as soon as they are mentioned. We may observe, however, that by an *invariable* or *certain* punishment, is here meant, not one, the infliction of which certainly follows the offence; for this consideration is applicable to all descriptions of punishment indifferently, but one which, whenever and upon whomsoever inflicted, is the same, or always equal to itself. Perhaps the quality

of being *commensurable*, is comprehended under the first head of *divisibility*; at least there seems no other way of computing punishments, and the word never occurs again, we observe, in the whole treatise; while it may be suspected that the quality of being *exemplary*, comprehends *analogy* and *simplicity*. It is evident that these qualities are not enumerated as all requisite to concur in any punishment, but only as the circumstances which ought to be kept in view when a method of punishing is to be chosen. It is almost constantly necessary to steer one's way through opposite or inconsistent qualities, by making compromises, and yielding certain advantages, in order to secure others of a higher nature, but incompatible with those which we sacrifice.

There are two of the qualities now enumerated, sufficiently important to require a separate discussion—these are *Analogy* and *Popularity*. Under the former head are explained the various points of relation whereby the imagination may be led from the punishment to the offence, and conversely, in order that they who witness a punishment, may have their minds the more deeply impressed with the fear of it, as often as they might be tempted to commit the offence. This is a discussion requiring great delicacy in the handling, if we would avoid a certain degree of ridicule not easily separated from the exemplification of a principle in itself quite incontestable. Our author treats it with his accustomed boldness and ingenuity; and we deem it fit to let him give his own remarks upon the subject generally, and upon the tendency of superficial thinkers to despise the details of it. "I know not," he observes, at the conclusion of the chapter, "that any objection has ever been made to the expediency of paying regard to analogy in punishments. As long as the general position only is maintained, every one admits it; but the moment we come to apply it, the variety of opinion is infinite; probably because the question, by its nature, is addressed to the imagination, and in resolving it, men consult their fancies alone. It has thus happened, that many persons feel an extreme repugnance towards some of the characteristic or analogous punishments proposed

by Mr. Bentham in his former work; and I have met with men of wit, who could only find in them a subject of merriment. The truth is, however, that a successful application of the principle, depends entirely on the choice of the means. Everything must undoubtedly be avoided, which would give to a punishment an air of levity or conceit; but still we may remark, that certain crimes are best punished by ridicule; or that, in some cases, as where pride has led to insult, the same process may afford also the best reparation for the injury." "It is equally clear," he adds, "that whatever carries an air of refinement and subtilty, is carefully to be avoided. The act of punishing, is one of sad necessity, and performed with regret. We may admire the variety of the instruments in surgery, because we presume that they are multiplied with the view of producing a cure with more certainty, or less pain. But in a great multiplication of punishments, we can only perceive a spirit of minute detail, degrading to the lawgiver." With these wholesome restrictions, however, our author conceives, that an observance of some analogies in the method of punishing, may be productive of unmixed advantage; and he relates a practical instance in which the principle has been most happily applied, by one wholly unacquainted with the theory, and only skilled by experience in the knowledge of human nature. It is customary in the navy, to give the men permission to go on shore for twenty-four hours at a time, and, if they exceed the allowance, to flog them. The fear of this punishment occasions numerous desertions, as may easily be supposed; and in order to prevent this evil, many captains refuse to grant permissions at all, however long their men may have been kept on board, or at sea. The officer in question, however, fell upon a better remedy, by merely changing the punishment of the lash, into one of those denominated *analogical* in Mr. Bentham's system. If any man exceeds his limited time of twenty-four hours, he loses his next permission to go ashore; if he exceeds forty-eight hours, he loses two turns, and so forth. The experiment had succeeded completely; the offence of remaining too long on shore, had not become more frequent

since the mitigation of the punishment, and desertions had entirely ceased.

The different sources of analogy pointed out by Mr. Bentham, may now be concisely adverted to. One of these consists in employing the same instrument or operation in the punishment, as the delinquent did in the crime —as burning an incendiary who had committed any aggravated act of *Arson*, whereby lives as well as property were sacrificed. Another method is the inflicting on the delinquent, the same injury which he offered to the innocent person. A third consists in subjecting to punishment, the part of the body in which the offender committed the crime. A fourth, in affecting the face with some disfigurement similar to disguising, where part of the offence was the use of a disguise:—And there are other analogies of a miscellaneous description, and not referable to general classes.

Thus far, we can have nothing to murmur against; but must complain of some of the details into which our author's ingenuity and fertility has seduced him under almost all these heads. Indeed, they contain the most objectionable parts of the whole work; and it is because we profess ourselves admirers, nay, disciples of the system, and generally speaking, adopt this branch of it also, that we regret the hold which several of his examples and observations here give to its adversaries. For example, it is said that one who has poisoned another, should himself be poisoned, because the nature of the crime shows peculiar deliberation, and proves that he who commits it is capable of reflecting well at the moment on the fate that awaits him—as if into this calculation, anything beyond the chance of detection was likely to enter, at least in the shape of deliberate reflection. But this is of comparatively little importance; it is where he refines further on the general principle, that we chiefly object to his inferences. If the criminal has not killed the person whose life he attempted, then, says Mr. Dumont, an antidote may be administered after the poison, so as to recover the delinquent—"La dose," he adds, "et le temps seroient fixés par le juge sur le rapport des experts." So in punishing

a person for causing an inundation, in countries intersected by canals, it is said that if the principles of the code exclude capital punishments, the delinquent may be drowned and then restored again to life. Again, for acts of counterfeiting, as forgery, &c. a part of the punishment may be, we are told, to expose the offender with his hand pierced by a sharp instrument like a pen; and for slander, &c. the tongue may be so dealt with. This is going far: But the refinement stops not here; for it seems the part of the instrument which pierces is to be exceedingly small, merely enough to penetrate—while the external portions being large, give to the spectators, an impression that the hand or tongue is transfixed by a thick instrument:—A species of device somewhat like hanging a man in effigy, by way of intimidating the beholders. Our author seems apprehensive of some ridicule on this head, and he thinks he escapes it by saying, that whatever ludicrous effect such a punishment may have, it is so much the better, as it will only tend to render the offence more contemptible; forgetting, surely, that the laugh will here be turned, not against the delinquent, but against the punishment and the law; while, by a natural consequence, the bias is rather inclined in the offender's favour; or at least the public attention is withdrawn from him in a way not very advantageous to the ends of justice. In defending such positions, it is in vain for our author to say, they are only laughed at, because men judge of them by their imaginations. It is, in fact, he who is misled by his fancy, while we are only reasoning upon the effects likely to be produced by such methods upon the imagination of the multitude to whom they are addressed. We could not pass over this chapter without making these reflections, which are offered altogether in the spirit of amity and respect; and they only apply, if admitted in their full extent, to the excess of refinement with which the principles, unquestionably sound, have in certain instances been pushed beyond the limits of their legitimate application.

A separate chapter is devoted to the *lex talionis*,—with what propriety of arrangement, we do not well perceive; for this forms one of the sources of analogy, being only the

more general case of the second source enumerated by our author. As a method of punishment, it is, with all its recommendations of simplicity, analogy, and in some cases, of proportion, so rough and coarse a rule, in so many instances wholly inapplicable, and in so many others objectionable upon the most obvious grounds, that we find it, and justly, almost entirely rejected in this system.

When a penal code is founded upon sound principles, and tends, with the smallest degree of suffering, to repair and prevent injuries most effectually, it ought to be favoured by public opinion. It may nevertheless happen not to be so, and this from the prevalence of false feelings and prejudices growing out of mistaken views of different kinds. The errors thus propagated, are referred to four heads; as they consist in mistaken notions of *liberty*, *decency*, *religion*, *humanity*. These are the four names, says our author, most frequently taken in vain by the multitude. But he wisely admits, that a lawgiver should, for a time at least, bend his institutions so as to humour even the caprices and errors of his people, when he finds them too deeply rooted and widely spread, to be overcome or disregarded. To any speculative arguments, founded upon false views of those different subjects, of course no regard should be paid;—as to the notions of those fanatics in politics, religion, or sentiment, who would have no imprisonment because it violates liberty, or would abolish capital punishments because they encroach upon the province of the Deity, or because they are painful to the feelings.

The first book or discussion of the fundamental principles, closes with an enumeration of the four cases, in which punishment is wholly inept, and ought not to be inflicted: viz. where the crime being either imaginary, or unfit for legislative interference, may be said not to exist, and the punishment would be *unfounded*;—where the punishment would be wholly *inefficacious* on the delinquents or others in the same circumstances, as in the case of idiots;—where the means being sufficient to accomplish the end in view, punishment would be *superfluous*;—where more evil being likely to result from punishing the

particular offenders than from letting them escape, the infliction would be too *costly*, as in the case of an extensive mutiny or rebellion.

II. We have already seen, that punishments are divided into two great classes, *corporal* and *privative*. Pursuing this arrangement, the second book treats of the former, and the third of the latter class. Corporal punishments, we may remember, were again subdivided into five kinds, and privative into three: the second and third books follow likewise these classifications. The symmetry of the greater part of the work is indeed perfect, though no sacrifice is made to it.

1. The *first* class of corporal punishments, consists of punishments *simply afflictive;* by which are to be understood those which cause bodily suffering, with little injury besides; for even those most simple, as the lash, are accompanied with a certain disgrace by their public exhibition, which is an essential part of the process. The enumeration of various kinds of simple infliction, is a task as unnecessary as it is disgusting. The preference is given to the lash, with some modification however; for when inflicted by an executioner, too much is necessarily left to his discretion, or varying strength; but some mechanical contrivance might be substituted without difficulty, liable to no such objection. Punishments of simple infliction are next examined by the general rules formerly laid down; and of the twelve essential qualities, they are found to possess three in a sufficient degree to make them eligible, except in cases where the disgrace renders them inapplicable. They are *invariable*, or *equal*, provided of course that a proper latitude is left to the judge, in apportioning them to the age and sex of the party; they are *divisible*, so as to be susceptible of the greatest accuracy of apportionment; they are *exemplary* in a high degree, and chiefly attract the attention of the classes most fit to be the subject of them. Under the other points of view, they offer nothing remarkable either way, except that they tend more to intimidate than to reform. We conceive that their evil effects in this respect are not sufficiently attended to by the author. However little influence the sentiment

of honour may have upon the lowest classes of society, we question if it is so completely extinguished in any, as to prevent the certainty of such punishments rendering the offender always worse after the exhibition. Perhaps, however, the system itself furnishes a method of avoiding this consequence in a great degree. For we may observe, that the evil complained of arises out of the deviation of such punishments from the class of merely afflictive ones, and exists in proportion to this aberration. Might it not be corrected in some measure, by reducing the punishment as nearly as possible to mere bodily infliction? Might not the offender be punished with his face concealed; whereby his having suffered in this manner, would be known to much fewer, and his own consciousness of its notoriety would be still further lessened?

2. The *second* class consists of punishments *complexly afflictive*, or those in which the mere bodily suffering is attended with, or followed by, some other loss, either of personal comfort or reputation. They are of three kinds, with various subdivisions; all of them great favourites of the criminal codes in different ages, and most of them known to this day in almost every country. They are inflicted, by *deforming* the person; and this either by *discolouring*, *e. g.* burning in the hand;—or *disfiguring*, *e. g.* slitting the nose, or cutting the ear;—by *disabling* a limb or organ, without destroying it;—by *mutilating* or destroying the part. The examination of this class by the rules, is very difficult, from the great variety of which its subdivisions consist. An approximation to this is however given, the result of which in general proves disadvantageous to the class. The inflictions of a temporary nature, —those concealed ones intended to mark a culprit in case of repeating the offence, and those permanent ones which may be united with perpetual imprisonment, furnish almost the only exceptions. Another is added, recommended by analogy, says the author, in the case of rape—from which opinion we entirely dissent.

3. The *third* class is composed of *restrictive* punishments, by far the most important of any, in every material point of view. They consist in preventing the offender from

enjoying, or doing something agreeable or useful to him. The *restrictions* thus imposed, are of two kinds; *simple* prohibitions, and restraints upon *locomotion*. The former species of punishment is exceedingly limited in its application, if we carefully distinguish it from such regulations as are connected with police, and such exclusive laws as a spirit of religious persecution, or political monopoly, have too often engendered; none of which, however, belong to the description of punishments. Our author, after observing that simple prohibitions are likely either to be evaded, or to lose their penal effects, and that generally they are an inexpedient method of punishment, is disposed to recommend one which he terms *banishing from the presence*, of which he gives some instances from the old French law. It consists in forbidding a person, who has been guilty of any personal injury towards another, from remaining in the same place with that other;—a contrivance which, in our humble apprehension, is excellently calculated to produce duels, or assassination, according to the character and laws of the country where it may be introduced. The other and important division, restraints upon locomotion, is of five kinds;—*imprisonment*, in the ordinary sense of the word;—*quasi-imprisonment*, or confinement within the district to which the offender belongs;—*relegation*, or confinement to some other district within the dominions of the state;—*local interdiction*, or banishment from a particular district;—*banishment* from the territories of the state, either indefinitely, or to some specific foreign part. The first head is the most extensive and essential of all these.

Imprisonment, for the purpose of punishment, in order to be effectual, ought to place the offender, for a limited time, under the most complete restraint, instead of being long and slight. For the better understanding the subject, we have an enumeration, after the exhaustive method of Mr. Bentham, of the evils comprehended under this mode of suffering. These are such as belong *inseparably* and necessarily to it; such as are *accessory*, but most frequently accompany it; and such as arise from *abuses* of it. The last part is the most interesting of the three, and consists

of a table of abuses under ten heads, with a corresponding table of remedies or correctives. When examined by the general rules, imprisonment is found to possess great advantages under the heads of prevention, divisibility, and simplicity; but to be extremely defective in point of equality; and, as commonly conducted, to be not very profitable, or very exemplary. The two last defects point out one of the paths by which we are led to Mr. Bentham's improvements in this branch of police;—but they belong to another head.

With imprisonment, in certain cases, and always for a very limited time, may most advantageously be joined, *solitude*, *darkness*, and *regimen*. Nothing can be more happy than the illustrations of the tendency which these have to produce reformation. This subject is unfolded with the hand of a master. The exposition, on the other hand, of the evils of permitting multitudes of delinquents to associate together, is equally satisfactory. Its operation in augmenting the criminal motives, in weakening the restraints, and in teaching the arts subservient to crimes, is treated in detail, and with a fulness of demonstration that is quite delightful to any one whose mind is inured to the discipline of scientific inquiries. Against the indisputable conclusions in favour of separate confinement, nothing but the greater expense of this method has ever been urged. To meet this argument was the object of some of Mr. Bentham's improvements, to which we are thus again led by another route, presenting itself, like the former, in the course of applying the fundamental rules respecting the qualities desirable in punishments.

After an exposition of the absurd system of *Prison fees*, we come to the important deduction from the general principles, that there ought to be three kinds of prison, adapted to the several purposes of *simple* detention, *penitentiary* confinement, and *perpetual* imprisonment. The first being only applicable to the case of insolvent debtors guilty of imprudence or extravagance, and of accused persons kept for trial, should have no accompaniment whatever of rigour. The leading principle in distinguishing the two others, is, that the inhabitants of the former are to

enter again into society,—while those of the latter, being for ever excluded from it, the exemplary nature of their sufferings is principally to be attended to. The names of these three prisons should be different, as well as their external appearance; and everything which can seize hold of the imagination, without awakening sympathy, should be presented, both in the construction of the perpetual prison, and in the situation of its inhabitants. Mr. Dumont happily and eloquently illustrates this by examples; and observes, that those wits who admire such ideas in theory, and sneer at them in practice, will find it more easy to deride than to confute them.

Of the four other kinds of restraint upon locomotion, the local interdiction has been disposed of under the head of simple prohibitions; and quasi-imprisonment is very little known in practice. The examples of it are chiefly to be found in arbitrary governments; and its application there is to political offences. Relegation and banishment are much more frequent, although it is somewhat singular that they are unknown at present to the law of England,—the deportation to the colonies being a punishment of a very different kind. Banishment of the kind termed indefinite, is well known in the Scotch law. When examined by the general rules, relegation and banishment are found extremely defective in almost all the essential qualities. They are chiefly to be commended with a view to reformation; but their great and manifest deficiency in equality and in example, makes them applicable to few cases in the eyes of a wise lawgiver. In point of economy, they are superior to imprisonment, as at present conducted; but they can only be said to cost nothing; of profit they yield none.

4. We are thus led by various paths to one point, the expediency of making offenders under punishment something more than mere passive objects of legal visitation; and we arrive at the *fourth* class of punishments, those termed *active* or *laborious*. This necessarily comprehends the more important part of the third class—confinement in respect of place, to which it is an addition. The ordinary examples of it in England include imprisonment

and relegation; and, in most foreign countries, there are instances of its being ingrafted upon quasi-imprisonment, as where convicts are employed on public works. Punishments of this class, when examined by the rules, are found to unite the greatest number of advantages with the fewest defects. They give rise to a *profit;* they are sufficiently *divisible*, although from the ignominy that attends them, they cannot reach very small offences. They may be rendered highly *exemplary;* may contribute, beyond all others, to *reformation;* and may in some degree be made *analogous* to the offence, inasmuch as those who undergo them, generally fall into crimes from the habits of an idle and vagabond life. In point of *equality*, they have fewer advantages; but their inequality may be greatly obviated by judicious arrangements. Add to this, that they are *remissible*, *preventive*, and *simple* in description. These advantages are in some degree common to all the kinds of laborious punishments, however imperfectly contrived and ill conducted the greater part of them now are. But the skilful and enlightened lawgiver is peculiarly interested in attending to this class, because it is susceptible of almost indefinite improvement, by attending to the general principles above laid down.

This important branch of the subject cannot be better introduced than by the discussion of what may fairly be termed the extreme case of mismanagement in punishments of the active class; a case of such complete failure, indeed, as to be properly excepted from the general conclusion just now drawn in favour of such methods. The reader will immediately perceive that we allude to Botany Bay; and it is greatly to be wished that the admirable chapter upon this subject were translated and published in a separate shape, with a few additions from Mr. Bentham's former writings upon the same fruitful topic. It forms, indeed, a whole within itself, containing a masterly examination of this lamentable experiment, by the test of all the general principles, with a clear demonstration of its signal failure, by a reference to the facts, which thus too loudly proclaim that those principles are sound. We can only run over the heads of the discussion; which we

sincerely hope may have the effect of attracting a larger share of the public attention to this enormity, than it has hitherto received. We call it an enormity which this country is committing, rather than a method of punishment which it is pursuing; for, whatever may be the intentions, the result of its conduct is manifest—the foundation, at an enormous expense both of money, labour, and suffering, of a community radically vicious and miserable, and growing every year more depraved and more wretched.

The transportation of convicts to America, which preceded the present plan, with several disadvantages of great moment, was, upon the whole, infinitely preferable. It was grossly unequal, inasmuch as it became servitude with exile to the poor, while it was only simple relegation to those who could pay for their passage. It was defective too in preventive power, the opportunities of escape being necessarily great. In both these particulars, the deportation now practised has the manifest advantage. All the convicts are equally under restraint, and their escape is much more difficult. But in every other point of view it is either as bad or a great deal worse. It is as little as possible exemplary: the disproportion between the real and apparent suffering—the excess of the former—is in truth a maximum. The community in this country see a convict sent on a long voyage, to a fertile country, lying in a fine climate. This is the example. The reality is, that the miserable wretch, after rotting in the hulks for a year or two, is crammed with some hundreds of his fellows into a floating prison, or, it may be, a pest-house, in which, if he survives the risks of famine, pestilence, mutiny, fire, shipwreck, and explosion, he is conveyed, through the infliction of a ten months' voyage, to a life of alternate slavery and rebellion, where guilty or cruel excess succeeds exquisite suffering, without varying the uniform misery, or changing the prevalent character of the body; and all this passes at the opposite extremity of the earth's diameter, from whence it operates no more in any manner of way upon the inhabitants of England than if it were passing in the moon. The tendency of discipline in the colony to reform the convicts, supposing them to have arrived there,

may easily be estimated. They are not separated from their companions in guilt; they have no better examples before them, no eyes to watch them. The partial historian of the rising settlement, himself the chief magistrate,[1] has supplied us with the details; and, in spite of his inclination to see everything in the fairest light, he has painted, if the pages of a journal for sixteen years may be said to paint, by far the blackest picture ever yet exhibited of human society. His book is a catalogue of crimes; it would be a record of convictions, but that perjury so universally prevails as to insure the escape of all who are not taken in the fact. The vice at the root of all the rest—a rage for spirits approaching to frenzy—can neither be cured, nor deprived of gratification. Far from improving by their residence there, it was only at the first establishment that any remission of unfavourable symptoms appeared. As soon as the first convicts had finished their period of servitude, their liberty brought along with it an influx of disorder and contamination, which each succeeding year seems to increase. If this system, then, prevents the delinquent from repeating his crimes, it is only by transferring the scene of them to a distant settlement, where it fosters and augments them; and although, with reference to one part of the empire, this may be termed prevention, the legislator, whose care should embrace the whole, has no right to give it such a name. As to the pecuniary expense, by which so much evil is purchased, we find it in the Parliamentary Reports estimated at above a million in about ten years, or about thirty-eight pounds for each convict, beside the value of his labour. Last of all, the punishment inflicted is perfectly different from the one to which the sentence of the law has condemned the convict. Not to mention the detention before transportation, and the arrival sometimes when the term of punishment has nearly expired, the power of returning at its expiration is possessed by few men, and no women; while of the voyage some idea may be formed, from the average mortality between 1787 and 1795, being above one in ten;

[1] Mr. Collins. His work is a most valuable and authentic document.

and from a jail fever, always a probable occurrence, having on one occasion, in 1799, carried off one hundred in three. If, in such a case, we could look to the settlement as a colonial speculation, we should find its gains in a similar proportion; but this estimate would be as superfluous after what has been said, as it would be foreign to the design of this inquiry.

Having first arrived at the foundation of Mr. Bentham's practical improvements by the direct road, we have now reached it from an opposite quarter, by the contrast which is exhibited in the case where all the general principles are most outraged. The more ample information respecting those improvements which has been published to the world, both in separate treatises, and in Mr. Dumont's former work, is not repeated in the volume before us. But a general sketch is given of the plan, showing its connexion with the principles above unfolded, and illustrating its prodigious advantages over the present system. The *Panopticon* is distinguished by three leading properties. From the form of the building, and the disposition of the cells, the inspector can see each prisoner at all times, without being seen by them, and can direct them without leaving his post:—The management of the establishment is carried on by contract, the Government paying a fixed price for the whole expenses of each convict, and the contractor having the whole profit, as he has the entire charge and regulation, of the work to be performed, but allowing a certain proportion of the gain to the convict:—The contractor insures the lives and safe custody of the convicts; he is allowed yearly a certain sum for the deaths, as calculated from the common tables, and he pays the same sum for each death which actually does happen, and for every escape which takes place.—If we mistake not, Mr. Bentham, by his contract with Government, further engaged to pay so much for each prisoner who after his discharge should afterwards be convicted of any offence. The entire publicity of his accounts was another condition, and one upon which he himself insisted. The Panopticon was to be open at all times to every magistrate; and at certain hours to the public generally.

In examining this plan by the general rules, its consistency with them all will be found remarkable. We shall only advert to the most striking points of the comparison. The punishment is in the highest degree exemplary; it is all seen and understood; it appears much greater than it really is; the comforts of the convicts, in their intercourse with each other according to their improvement, and in the state of industry and cleanliness and wholesome regimen for which they have exchanged their ordinary habits, being, however real, by no means such as strike the multitude of spectators, who only see confinement, compulsory labour, and ignominy. The reforming effects of the plan are equally manifest;—the labour, to which they are in part allured by a fixed allowance of profit;—the perfect temperance in which they live;—the facility afforded of separating them into classes according to their habits and behaviour;—the means of easy instruction, both religious and other, which they give;—all furnish as good a chance of reclaiming those unhappy persons who are not hardened in guilt, as from any such discipline can reasonably be expected. The preventive powers of the Panopticon are complete, while the convict remains in it; and although a relapse after liberation can only be guarded against by reformation, a contrivance is added to this establishment, admirably calculated to provide against the first dangers of the discharge; the convict is transferred to another place of mitigated confinement, where he is rather under inspection than in custody, and from whence he is gradually allowed wholly to withdraw. With respect to the cost of the plan, we may form some estimate of it from the terms of Mr. Bentham's contract. Each convict was to cost Government 13*l.* 10*s.*, including 1*l.* 10*s.* for the proportion of the expenses of building and ground: He was to provide a fund for indemnifying the parties injured; to allow the convicts one quarter of the profits of their labour; and, after the first trial, to make a reduction in the charge. Practical men, well versed in such matters, had no doubt that a very considerable reduction might have been speedily afforded; and that, in a few years, the profits would entirely defray the expenses of

the establishment to the State. While all manner of delays and difficulties were thrown in the way of this experiment; while wits and jobbers, or, as they termed themselves, matter-of-fact men, averse to theories, and deprecating novelties, were employed in running it down; trials were made in America of penitentiary houses upon similar principles, though in a much less perfect shape, and without some of Mr. Bentham's chief improvements. We have the most irrefragable testimony borne to their success, by the interesting narratives of the Duc de Rochefoucault Liancourt and Capt. Turnbull; the one a person eminently skilled in the subject of prisons, the other a mere practical observer, imbued with no knowledge beyond that of the naval profession. Both these very different witnesses concur in their statement of the salutary consequences of the plan; and if we wished to find a perfect contrast to the melancholy narratives of Mr. Collins, we could certainly nowhere so well be suited as in the descriptions which the French and English travellers have given us of the convicts in New York and Philadelphia.

5. Capital punishments compose the *fifth* class. On this subject other works have treated more than usually in detail; and as we have ourselves had an opportunity of entering pretty largely into it when treating of Sir Samuel Romilly's bills, we shall bestow a smaller portion of attention upon it on the present occasion than its very great importance might otherwise have demanded. This class consists either of *simply* inflicting death with the least possible degree of suffering; or, in accompanying the destruction of life with *torments*. The latter method, at one period universally prevalent, and still known in most countries, is happily almost abolished in the two most civilized nations. In France, the Code Napoleon allows it only in the cases of parricide, and attempts against the sovereign's life, where the addition made to the punishment of death is cutting off the right hand. In England it is only in the case of high treason that such augmentations are allowed: the punishment of the law is no doubt barbarous in the extreme, but in practice it is always remitted. All such cruelties have the effect of inspiring pity

in the spectators towards the criminal, and of rendering criminals more hardened and savage.

If we examine the punishment of death by the general rules, we find it exceed all other punishments in several important advantages, especially in prevention and example. We quite agree with the author in his objections to Beccaria, who maintains that a punishment of longer duration is more terrible to the spectator. Clearly there is none so dreadful as death. Mr. Dumont adds, that its apparent suffering is greater than its real, which applies only to the pains of it. On the other hand, it exceeds all others in some material defects; not only is it expensive, and beginning to become unpopular; it is quite irremissible, and it is in the highest degree unequal and incapable of division or apportionment. A very satisfactory statement is given, under this head, of the evil tendency of frequent executions, of the kind of reasoning by which offenders at the moment of temptation get rid of the fear of death, and especially of the wide difference between encountering certain destruction, and yielding to impulses which may lead to it. The evils arising from its being irremissible are also ably expounded; yet we think the author has neglected to consider how much of its horror consists in this quality. It is manifest that no other punishment can utterly exclude hope. In comparing capital with other punishments, our author is disposed to give the latter the preference, almost to the exclusion of the former; chiefly because, however exemplary to men in general the infliction of death may be, and how deep soever the impression it makes on their minds, it has not the same terrors for the class of men most likely to commit the worst offences—violent spirits and hardened delinquents. That its range should be extremely limited, we are willing to admit; but we differ from him in the position, that for this class of men, perpetual confinement to hard labour would have more terrors than death; the total extinction of life, without chance of escape, pardon, or mitigation, ought still to be denounced against the worst offences; and, by being confined to these, will unquestionable become doubly terrible. The evils arising collaterally

from the abuse of this punishment, are so ably pointed out by Sir Samuel Romilly, that our author abridges a part of the treatise before us, by referring to his tract. We have already treated this subject at length in our former article.

The punishments awarded by the law, in many cases, cannot be inflicted. Thus a fine may be imposed on a person who has no property. In other cases, the offender refuses to undergo the sentence, as where labour is enjoined. Hence the necessity of *supplementary* and *subsidiary* punishments for these two kinds of failure respectively. The former ought always to be as nearly equal as possible to the original punishment; the latter ought to be greater than the original punishment. The kinds of punishment which are best adapted to the most ordinary case of refusal to submit, are corrections and other corporal inflictions. The most common case of inability to submit—namely, fine—is best provided for by imprisonment. It is suggested, that a scale of comparison between money and imprisonment may be established, by apportioning the period to the time which the ordinary income of the delinquent, or of persons in the same condition, would take to pay the fine imposed. The subject of secondary punishments closes the second book of this treatise.

III. We now come to the other great division of punishments, consisting more peculiarly in *privation*. These are evidently as various as the objects of possession; but they may be arranged, like those objects, in three classes, as they impose a forfeiture of *reputation*, of *property*, or of *condition*. There is a good deal of division and subdivision introduced, which all resolves itself into this threefold arrangement, and may be disregarded.

1. Punishments which affect a person's reputation, consist of appeals to public opinion, and are those measures which the lawgiver takes with respect to him, for the purpose of directing that opinion against him. The mere censure to which he is exposed is a suffering, though nothing farther were to follow; but its natural consequence is to affect the behaviour of his fellow-citizens towards him, exposing him to positive injuries of a nature either too

evanescent, or too universally inflicted to be prevented by law, and depriving him of kind offices with which the law has no concern. The pains thus inflicted by society, are severely felt by some classes, and although too confined in their operation to be universally afflictive, or to stand in the place of all other punishments, they are capable of being used to great advantage within their proper limits. The lawgiver may inflict them, or rather may expose the offender to have them inflicted, either by simply *denouncing*, with the authority belonging to his functions, that certain acts shall be deemed infamous, or by treating the particular offender *judicially* in a certain way. Instances of the former method are frequently met with in the acts of the ancient republics. The latter is the mode used in modern times. It is practised in different ways—by *publication* of the offence—by judicial *admonition*—by inflicting *punishments* of the other classes, corporal as well as privative, the immediate object of which is not the destruction of reputation—by inflicting what may be termed *quasi-corporal* punishments, the sole object of which is infamy—by *degradation*, or depriving the offender of his rank, natural or conventional—by *discrediting* him, or preventing his testimony from being received. Those punishments only belong to the class now before us, whose sole object is to affect the reputation, or one of whose express objects is declared by law to be this. They have some eminent advantages when examined by the rules; the principal of which is, that they both execute and apportion themselves. To this part of the subject belongs a very interesting topic,—the limits of the lawgiver's power in leading and forming the public opinion. Some offences, it is well known, however severely they may be punished, are little, if at all, contemned as infamous; and yet in their nature, they belong to the same class with those most universally held to be ignominious. Smuggling is a remarkable example. Our author conceives that the Legislature, armed as it is with the highest powers and dignity, ought to have authority sufficient gradually to sway the public sentiments, and wean them from such prejudices. But in cases where the criminal act, or rather the pro-

hibited act, is equivocal, and where the motives are not necessarily disgraceful, as in libel, it is in vain for the lawgiver to contend with the well-founded opinions of mankind. The offence is too much of a mixed nature to be susceptible of an ignominious punishment.

2. The description of punishments affecting property, consists of those which are *pecuniary*, and those which are *quasi-pecuniary*, as confiscation of lands, &c. This class will not detain us long. It possesses great advantages in point of divisibility, equality, and convertibility to profit, but is liable to some defects of consequence; tending to affect others beside the delinquent, and being but little exemplary, except in the case of confiscations, to which other objections are hereafter to be stated. Where the punishment is inflicted by payment of costs, the example is wholly lost.

3. The forfeiture of condition, or *status*, is a class of great extent theoretically speaking, but in practice it is reduced within narrow limits. All the conditions which arise out of relations created by civil institutions, and even the qualities annexed by those institutions to natural relations, may be destroyed by the civil magistrate. Marriage may be dissolved; children may be bastardized; blood may be corrupted; the different kinds of trust may be taken away; a person may be reduced to slavery; a community may be deprived of its rights or privileges. There is another punishment referable to this head, but liable to severe animadversion in the manner in which it has frequently been applied, we mean, *outlawry*, whether as a part of criminal or of civil process. Its extreme inequality, even as at present mitigated, and its tendency to occasion infringements of moral duties between man and man, are sufficiently obvious, and call loudly for still further modifications.

IV. Hitherto we have been occupied with the consideration of punishments more or less deserving, under proper restrictions, the attention of a wise lawgiver, excepting one or two, which, from an unavoidable imperfection in the classification, crossed us, as it were, on our way, although they were also referable to other classes. The

kinds of infliction that remain to be discussed, are those which every sound principle teaches us to avoid where it is possible, and to diminish as much as possible, where, from the defects of all human contrivances, they inevitably mingle themselves with the legitimate modes of punishment. This system arranges them in two classes; those which are *misplaced*, or fall upon other persons than the offender; and those which are *complicated*, or present neither to the legislator, the judge, the party, nor the public, any fixed and definite idea. The former class is the subject of the Fourth, the latter of the Fifth and last book. The arrangement would have been more concise and elegant, perhaps, if these two books had been consolidated into one.

It is to be observed, that some punishments appear, at first view, to be misplaced, which, in reality, are not so. Thus, those which, following the rules of civil responsibility, are inflicted upon one person for the fault of another over whom he had a control, are, in reality, only punishments inflicted on him for culpable negligence in the performance of his own duties. It may further be remarked, that almost every punishment more or less affects others as well as the delinquent; but the legislator should do his utmost to reduce this unfortunate overflowing, if we may so speak, within the least possible bounds. Thus, the condition of the offender with respect to family connexions should be regarded; and in all cases the claims of creditors should be preferred to those of the fisc, where pecuniary punishment is imposed. The class of punishments properly called misplaced, are those which the legislator enacts with the intention of punishing another person than the offender, either along with him, or in his place. They consist of four kinds; *vicarious*, where the offender escapes—*transitive*, where an innocent person is purposely punished who is connected with the offender—*collective*, where a body of innocent persons suffer, in the presumption of the guilty being among them—*fortuitous*, where an innocent person suffers as well as the offender, though unconnected with him.

Of *vicarious* punishments, the only instance[1] given, and, we presume, the only one which exists, is that inflicted upon the families and creditors of suicides by the law of England. Like all other absurd and unjust laws, it is evaded, in almost every instance, by perjury, and the exercise of a discretion in the Sovereign,—which, if it is never to be abused, can in no instance be of any use to him. The example given of *transitive* punishment, is the corruption of blood—a more able exposition of the absurdity of which is nowhere to be found within so short a compass. It must often be impracticable, says our author, for want of relatives on whom it may attach. In such cases, some other augmentation of the principal punishment is to be applied. Then why should not this augmentation be in every case preferred? It supposes the offender to have feelings, which in many instances are wanting also. In those cases it wholly fails, without the possibility of the failure being known. It is extravagant in the range of its operation, and the variety of evil which it produces. Finally, it is in direct opposition to all popular feelings, and speedily turns their current in favour of those whom, in the cases to which alone it is applicable, the state is the most interested in rendering odious. Does the range of the moral sciences afford a demonstration at once more cogent and concise? The chief instances of *collective* punishments are those in which corporations are punished for the faults of certain individual corporators; a proceeding never to be justified, except in the case, scarcely supposable, of the offenders being unknown, and the evil of their impunity being greater than that of punishing the innocent.

The class of *fortuitous* punishments is more fruitful in examples; and three well-known ones are taken from the law of England. Perhaps the most notable is the forfeiture

[1] Perhaps the Acts that have sometimes passed the Legislature, attainting persons after their decease, belong to the class of vicarious punishments. England, Scotland, and Ireland, have each furnished noted examples; Ireland very recently, and England at the Restoration.

and escheat of freehold property, in cases of attainder of treason and felony; where the confiscation relates back to the commission of the offence, and all mesne conveyances are avoided; so that a man may commit a secret crime, and sell his estate to an innocent and ignorant purchaser, in whose hands the crown or the lord afterwards seizes the estate upon the vendor's attainder; and as his goods and chattels are forfeited upon conviction, the only fund of compensation is gone also. Deodands are another instance of similar injustice; and the punishment of incapacitating a delinquent from giving evidence, is manifestly one which may strike much more injuriously at parties wholly unconnected with the offender, than at himself: besides, that it is by no means inflicted merely with the view of putting courts of justice on their guard against admitting a bad witness; for it is often the punishment of crimes which have no peculiar connexion with violation of truth. One of the most striking examples of the evils arising from this punishment, is to be found in the noted case where a will of lands was set aside many years after the devisee had been in possession under it, because it was discovered that one of the three witnesses required by law had laboured under this incapacity, unknown of course to the testator, and probably to every person in the place where he resided.

V. The Last Book, after shortly stating the evils of complicated punishments, and observing that two of these, outlawry and incapacitation to give evidence, have already been disposed of, proceeds to the remaining two, of *Excommunication* and *Felony*. Upon the first of these, a circumstance has fortunately occurred (since the work was published), which dispenses with the attention which it otherwise would have required. Moved by some gross abuses in the infliction of this punishment, several distinguished persons have undertaken to substitute other procedure in its place. Sir William Scott has brought a bill into Parliament with this view; and there can be no doubt of the evil speedily being done away. Under *felony*, or more properly, according to the language of the present day, under the punishment of persons as felons, are com-

prehended a number of inflictions very different from each other; and our author complains, that when a person is said to be guilty of felony, no precise or intelligible idea is conveyed of what he has committed. This is no doubt true; but we think he rather carries his objection too far, when he asserts the punishing as a felon to be an equally vague and indefinite term. It comprehends two descriptions of punishment; the one capital, with forfeiture of lands and chattels; the other not capital, but consisting in forfeiture of chattels, and the form of burning in the hand; to which, by special enactment, imprisonment, transportation, or indeed any other punishment, may be superadded. No doubt the term has become quite useless, and even worse; for it seems to mean something, when it in truth conveys no distinct idea. Every one must admit, that a much simpler and better manner of stating the punishment due to an offence, would be, to tell at once of what it is to be composed; and, instead of enacting that certain offences are felonies, which now tells us nothing, to prohibit them, and state the precise inflictions which shall follow the commission of them.

In the analysis which we have just brought to a close, it has been impossible for us to give even a specimen of the rich vein of illustration which runs through the whole of the original treatise. Examples are never wanting from the laws and the history of all ages and nations, to explain, and to enforce the general positions. The work, however, in this department, has a manifest superiority over Montesquieu's celebrated performance. The author does not, like him, overload his chapters with facts and anecdotes, which, so far from being kept in subordination to the main design of unfolding the principles, become in very many instances the chief object. Whoever is but slightly acquainted with the *Esprit des Lois*, must recollect upon how many occasions not merely a subdivision is made, but a general head formed, and a principle laid down, for the sole purpose of introducing a singular story; and how little the illustrious President is in the habit of regarding the value of the facts which he brings together. He is equally careless of the weight of evidence, the foundation on which

his facts rest. He finds them in a "*printed book*;" and that is enough. Down they go into his commonplace-book, and there they lie until a niche is found for them in some compartment of the treatise; but if none is found, one must be made, that at all events the facts may not be lost. Whether they come from France, or from Japan, or from the kingdom of Bantam; whether in themselves probable, or such as scarcely any force of testimony could make us believe (*e. g.* that in some countries there are ten women to one man), seems to signify nothing; they are equally facts, and must be treated with the same respect.[1] The reader of Mr. Bentham's works has never to complain of this. Nor does he meet with the frequent substitution of epigrams and neat sayings for deliberate philosophical positions. Indeed a plain, manly, even homely sense, is one peculiar characteristic of his doctrines.

If we consider how very little was done in this branch of the science of legislation before the present work, and the corresponding parts of the *Traités de Législation*, we shall still more clearly perceive the extent of our obligations to its author. All the remarks upon the subject which are to be found scattered over the *Esprit des Lois*, if collected together, would hardly, says Mr. Dumont, fill a dozen pages. Beccaria, whose design comprehended the whole science of criminal jurisprudence, has given a mere sketch of some detached parts of it, through which, notwithstanding the great liberality and boldness, and frequently the judicious nature of his observations, we are left to regret that he never pursues a subject completely, and that he laboured under the almost irremediable defect of not being a practical lawyer. It is the great merit of Mr. Bentham, that he goes thoroughly into his subject, leaves no part of it unexplained, and fears less the imputa-

[1] Est-il possible (says Voltaire) qu'un homme sérieux daigne nous parler si souvent des lois de Bantam, de Macassar, de Borneo, d'Achem; qu'il répète tant de contes de voyageurs, ou plutôt d'hommes errans, qui ont débité tant de fables, qui ont pris d'abus pour des lois, qui sans sortir du comptoir d'un marchand Hollandais, ont pénétré dans les palais de tant de princes de l'Asie? —*Œuv.* tom. xxxv. p. 37.—An implicit belief of everything in ancient history is equally unworthy of "un homme sérieux."

tion of minuteness or superfluity, nay, the odious names of tediousness and truism themselves, than the more serious charge of passing superficially over the topics of an inquiry, every part of which is in some measure connected with all the rest.

His method of handling the subject, which, from a mathematical analogy not very applicable, has been termed *exhaustive*,[1] is no doubt admirably adapted to insure a cautious and full consideration of it. By carefully analyzing it, separating all its parts, and attending to each in its uncombined state, all risk of confounding together different ideas, and of passing over any of the premises which ought to influence the conclusion, is with certainty avoided. They, however, who expect more from such a method of investigation, (and we have sometimes thought or fancied we perceived symptoms of this expectation in Mr. Dumont,) deceive themselves, probably by some indistinct notions of a comparison with the analytical processes of the mathematical and physical sciences. To a certain extent the comparison holds; but if we push it farther, we lose all resemblance; and if we attempt to force the subject, are sure to fall into the grossest absurdities,—instances of which are not wanting in the history of philosophy. Indeed, even in the sciences of abstract quantity and of matter, the inquirer must limit himself in tracing resemblances and diversities; he cannot compare where he has no common measure. The chemist may resolve a body into its constituent parts; and the moralist may examine of what kinds of suffering any penal infliction consists: But while the common relations of weight and bulk always afford the former the means of estimating the mutual proportions of the simple ingredients, the latter has no such standard of comparison; he cannot say how many parts of the whole punishment consists of pain, and how many of anxiety. So we can say at once how many parts of a lighter body it will take to outweigh a given portion of a heavier one; but we shall in vain seek for a precise answer to the question, how much must be added or taken from one kind of punishment, to make it equal to another

[1] *Analytical* is a more appropriate term.

kind. Again, we enumerate, and consider, according to Mr. Bentham's method, all the circumstances in favour of a given punishment; we then state all those which are against it; but we have no means of accurately comparing the advantages and disadvantages, or of subtracting the one from the other, and striking the balance. So in choosing between two modes of punishment, we may state the circumstances that should draw us towards one, or those that should draw us towards another, but we cannot *calculate* the superiority of the one to the other, still less can we find some middle line exactly determined by the combined operation of the different inducements. We are in the situation of a mathematician who sees from the *data* in the enunciation of a proposition, generally and vaguely, the relations which must determine the result; who perceives that, from the nature of his equation, there are certain limits to the solution; who knows upon what conditions the solution depends; but who cannot perform the investigation, and arrive at the conclusion. Let it not be thought, however, that this necessary consequence of the different nature of the subject, is any detraction from Mr. Bentham's merit, or that his method does little service, because it does not perform impossibilities. It brings under our view everything which requires consideration,—perpetually reminds us of points apt to be passed over in the hasty and sweeping deductions of more ambitious inquirers,—and secures to each particular the attention which is its due. Nor is the merit small, of having pushed the method no farther than the nature of the subject permitted. Inferior minds would easily have been seduced into an attempt at some preposterous union of calculus with enumeration, as they have been into wild applications of the Mathematics to Nosology and Morals.

The arrangement of each branch of his subject forms a necessary part of this plan, and has of itself very great merits. It affords the means of comparison, assists the memory, conduces to the formation of clear ideas, and, by preparing the places to which particular facts belong, teaches us to observe and remember them. The classification, especially in the latter part of the present work, is

perhaps carried somewhat too far; as we meet with heads apparently composed of single examples; and a certain want of keeping is observable (to use the language of painters): for Mr. Dumont frequently dwells as much on the divisions thus barren of cases, as he does on far more prolific ones. These imperfections, however, are slight in themselves, and they result partly from the nature of the method, partly no doubt from the state of fragments in which his materials were often found.

It has sometimes been the misfortune of cursory readers to dip, as is their manner, hastily into the middle of one of Mr. Bentham's inquiries, and finding him occupied in laying down a plain, and even self-evident position, to shut the book as a collection of truisms. This is not the way, we must observe once for all, in which his system can be either relished, or indeed comprehended. Its parts are intimately connected; and the evident truth and simplicity of his propositions, taken singly, is precisely that which gives to his deductions their extraordinary strictness. A wit might perhaps ask why the geometer detains him with stating that the whole is greater than a part; and some paradoxical philosophers, as well as wits, have ridiculed the pains bestowed by the father of the science, in proving that two sides of a triangle are greater than the third. Yet from this simple proposition, the skill of succeeding geometricians has carried us to the magnificent discovery, that by elementary methods we can determine the place of a planet in the heavens for a given time;[1] and the chain is uninterrupted, nor incumbered by one unnecessary link, which connects the axioms with the comparison of curves and of solids, the guidance of a ship in the ocean, and the investigation of the system of the universe. In the analytical view of the system of punishments, which we have presented to the reader, we have endeavoured to make the connexion apparent between Mr. Bentham's first principles and his practical inferences or final results. No one we presume will maintain that the process is a mere chain of truisms, or a parade of barren classifications, which conducts us to a clear demonstration of the imperfections attending

[1] See Dr. M. Stewart's solution of Kepler's problem.

the principal branch of punishments known in this country, and puts us in possession of a substitute proved to be unexceptionable, and shown by experience to be eminently efficacious: And if any one should assert that the exposition of *deportation*, and the knowledge of the *Panopticon*, might have been obtained independent of the theory, the answer is obvious, that supposing we were to admit this, it would still be true, that he who is possessed of the methods pointed out by the theory, is ready to apply them again and again to each new case presented for his consideration. *Here*, at least, the analogy between the moral and the stricter sciences is perfect. The geometrician may, without the refined methods of modern invention, happily succeed in solving a difficult problem; but let another be offered to his notice, he is not a step the nearer his solution; while a very inferior analyst, by means of those exquisite instruments of investigation, is ready to treat any question that may occur without anxiety, and with a reasonable certainty of finding an easy answer.

We shall hereafter discuss the second part of Mr. Bentham's work, which is in truth a separate treatise; but in the meanwhile, we have to prefer our urgent request to himself and his able coadjutor, that they would not delay giving to the world such other parts of his great system of legislation, as may be in a finished state. The work on *Evidence*, is perhaps the branch which excites the most eager and general expectation. There are pleasures attending these inquiries, which far more than counterbalance the labour they demand. Beside the charms of abstract speculation, they bear a constant and intimate relation to the highest interests of mankind; and in times when little else is to be seen on every side but profligacy and corruption, or apostacy and time-serving, it is perhaps rather wise than selfish, to partake of the general apathy with which all this apparently is regarded, and to withdraw our curiosity towards remote ages, or different subjects of inquiry.

# LAW OF LIBEL.

(September, 1816.)

*The Law of Libel, in which is contained a General History of this Law in the Ancient Codes, and of its Introduction and successive Alterations in the Law of England: comprehending a Digest of all the leading Cases upon Libels, from the earliest to the present time.* By Thomas Ludlow Holt, Esq., of the Middle Temple, Barrister-at-Law. Second Edition, with considerable Additions. London, 1816. Pp. 302.

The great subject which we are now about to discuss, presents so many difficulties to the view, that we frankly acknowledge the boldness of the task we have undertaken. The works of former writers afford but slender assistance, consisting generally of vague declamation or sweeping theory, in which the grand object of practical utility has been lost sight of. The labours of legislators have been still more defective, varying only between the opposite and almost equally pernicious extremes of strict prohibition and unrestrained license; nor has any attempt been made, as far as we know, even in the codes fashioned by speculative men for new communities, to reconcile the two great objects of protecting free discussion, and checking attacks upon character. But the chief obstacle to the successful conduct of the inquiry, arises out of the important modifications which the letter of the law, touching the press, has always received in practice, partly from the influence of other laws, but chiefly from the habits and feelings of the community;—insomuch, that there is hardly any one subject to which a lawgiver can turn his mind, where he will find himself so frequently stopt by the necessity of referring to practice for the correction of deductions, apparently the most simple from admitted principles: And

he will even find instances, where, contrary to every preconceived notion, beneficial effects prove not inconsistent with an order of things apparently the most vicious, and founded in a plain departure from the most acknowledged principles in practice. Add to these things, the inauspicious influence of party feelings, upon a question which is wont to excite their utmost violence, and to place the passions of the multitude, and the prejudices of the ignorant, and the interests of the powerful in the most acrimonious conflict. To attempt the calm and dispassionate investigation of a question beset with so many difficulties, would be extremely unwise, were its paramount importance not a sufficient inducement to overlook every obstacle.

We shall, however, be told, that the press is in no danger, at least in England; that the discussion is unnecessary; that whatever defects may appear to exist in the system of our laws with regard to it, there are none in practice sufficient to require any material change; and that, at all events, there is nothing urgent in the question, so as to require its being pressed upon our attention peculiarly at the present moment. We purpose to begin by showing how extremely ill-founded the two former observations are; and with regard to the others, our whole inquiries will have a strict reference to practical evils; and we only desire the attention of the public to them, and its favour to their results, in so far as they proceed upon plain matters of fact, of daily and familiar occurrence. With respect to the time, we certainly choose it purposely; for, not only will the attention of Parliament be turned towards this subject in its next session, in consequence of the bill lately introduced, but it is at this moment the topic to which the regards of legislators and politicians in every part of Europe are most eagerly and anxiously directed. The slavery which is almost everywhere sought to be re-established, by the admirers of the dark ages, rests its sole hope upon the destruction of the press: while the only chance of placing the general tranquillity upon a sure basis, is sought by enlightened men all over the world, in a judicious extension of its freedom. The problem, then, which they are seeking to solve, is the one which we are

about to investigate, namely, to find the quantity of liberty, and the species of restraint, which will secure to the press the greatest amount of free discussion, consistent with the tranquillity of the community, and the safety of private character. Beside, the very circumstance of there being so few state trials connected with the subject for the last two or three years, even if it proved that no attacks were now likely to be made upon the press, would form an additional inducement to undertake the inquiry at the present time; for all great questions of jurisprudence, and especially of constitutional law, are most advantageously examined at a distance from the actual commission of the offences, or the exercise or the abuse of the powers to which they relate. We shall begin by stating precisely the most material provisions of the law of England, as now carried into practice, upon the subject of *Defamation*,—under which term may be comprehended everything that can give rise in its abuse to any of the offences known by the name of *Libel*—that is, written defamation, whether against the State or against individuals; or of seditious words, and slander—that is, spoken defamation against the State and against individuals.

The offence of *Libel* is as well known as any other to the law; and those persons either show much ignorance, or are guilty of extreme bad faith, who would mislead the multitude into a belief that the word is a novelty, without any known legal meaning, because it signifies, originally and in its etymology, a *little book*. It means, indeed, no such thing, and never did; for it comes not from *Libellus*, but from *Libellus famosus*, that is, a defamatory writing; and from hence has been derived libel, by one of those ellipses so frequent in all technical language. It would be just as reasonable to say, that robbery was no crime, or a modern invention, because it meant originally a "taking;" or that there was no such thing as tyranny, because tyrannus once meant king. Whether the offence in question be well defined in the law is another matter, and of which we are soon to speak: We only contend at present, that they who refer to its etymon, give no sort of proof that the offence is unknown to the law of England.

According to that law, the offence consists in publishing a written, or printed, or painted composition, tending to disturb the public peace, by vilifying the Government, or otherwise exciting the subject to revolt, which may be termed a public libel; or by traducing private character, which is commonly termed a private libel;—but both offences are of the same nature in the eye of law, and are punishable upon the same grounds—namely, their tendency to a breach of the peace.—Such, at least, is the strict theory of the law; though we shall in the sequel find, that this principle is, like many others, upheld, and cited as inflexible, when it is of any use in the argument against improving our jurisprudence, while it is in practice constantly departed from; as, indeed, the maintenance of it would produce the most absurd consequences.

Libel, of whatever kind, then, is punishable as a misdemeanour, by fine and imprisonment. It used to be punishable also with the pillory, until Mr. Taylor's bill most wisely and happily abolished that punishment, except in the case of perjury; and instances are not wanting, of the Courts showing such judgment in the infliction of it, that the criminal, instead of enduring obloquy or derision, stood triumphant amidst the universal plaudits of the multitude. Still the amount of fine or imprisonment is wholly in the discretion of the Court. Before the Revolution, there were instances of ten years' imprisonment. During the last half century, public libellers have been sentenced to one year, eighteen months, and two years' confinement, in such prisons as the Court thought proper to appoint; for the law allows the Judges to transport him from Northumberland to Cornwall.

The libeller may be put upon his trial, either by information *ex officio*, which the Crown lawyers have a right to file of their own mere motion; and upon filing which, they may imprison or hold to bail, (by virtue of a recent statute—48 Geo. III.—one of those *innovations* which the lovers of ancient institutions never object to)—or by criminal information obtained upon an application to the Court and after hearing both sides—or by indictment in the ordinary way. In modern practice, public libels are

almost always proceeded against by the first mode; libels against men acting in a public capacity, or tending to produce a duel, by the second mode; and libels against private individuals by the third mode. When an *ex-officio* information is filed, no oath is required; the Crown officer merely informs the Court, that the defendant has published a certain libel; and this puts him upon his trial, which he has, however, no means of forcing on; the Crown officer may hang the prosecution over his head for years; and having done so, he may at any moment bring it to trial. Whether the defendant is convicted, or acquitted, or never tried at all, he has to pay the costs himself; it being one of the maxims most revered in our law, that the Crown neither receives nor pays costs,—a maxim, too, which we shall presently find deviated from in some instances, and strained in others beyond all resemblance to its original signification. Moreover, in all trials of this description, the Crown has another privilege, by no means unimportant, that of being always heard a second time in reply to whatever may be urged for the defendant.

In whichever of these three ways the proceedings are commenced, two points must be made apparent to the Jury before the defendant can be lawfully convicted,—the act of publishing the libel,—and the malice of that act. The first is matter of evidence; the second is frequently shown by the nature of the writing merely; but it is often also proved by certain facts connected with the writing. In every case, however, it is considered as a matter of fact also, and within the peculiar province of the Jury—the Judge having only the right to give his opinion upon this, as he may upon every other question of fact. Formerly, the law was otherwise; and it was held by all the Judges, that the publication being proved, the malice was to be gathered from the tenor and tendency of the writing, not by the Jury, but by the Judge; in other words, that, in this offence alone, the motive—the *malus animus*—the *guilt* of the defendant, is a question of law, and not of fact; and that if he is charged with publishing a libel, the prosecutor has only to prove that he published something, whether libellous or not. At length, this was declared by

the Legislature not to be the law,[1] or rather the law was altered, and rendered consistent with common sense in this important particular.

If, then, the publication is proved, the only question for the Jury, is the guilt or innocence of the act; that is, the guilt or the purity of the motives which led to it. But how clear soever this may be, the law takes a very extraordinary mode of enabling the Jury to conduct the inquiry. It allows no question whatever to be made of the truth or falsehood of the matters contained in the writing alleged to be libellous. If the defendant has published, that a gross abuse exists in the management of public affairs; that a minister has been guilty of corruption in his office —or that a private individual has committed a particular crime, the law says, that the Jury must pronounce upon the malice or the purity of his assertions, without being informed whether they are wholly true, or utterly false; and no proof is allowed to be adduced in elucidation of this point. In somewhat of the same spirit, if the publication was made by the servant generally employed in managing the defendant's business, he is not suffered to prove his entire ignorance of the act, but is held responsible for the criminal conduct of the agent, though he never authorized the proceeding; nay, though he was beyond seas when the writing was composed, and never heard of its contents until the day of his accusation. The general agency of the servant is not taken as evidence of his having a special authority in the particular case; though this would be going a step further than the legal presumption does in any other crime; but it is taken as a presumption, not to be rebutted by any contrary evidence; it is conclusive in itself against the defendant, and fixes him criminally with the act of the servant.

When the defendant is convicted, the Court considers of his punishment; and there is some doubt how far, in this stage of the proceedings, the parties have a right to introduce the question of the truth or falsehood of the libellous composition. That the question cannot now be regularly gone into by the examination of witnesses, and other

[1] 32 Geo. III.

judicial means of inquiry, is certain; but it is also doubted, whether the affidavits in aggravation and in mitigation of punishment, can properly assert or deny the truth of the libellous matter. There are conflicting *dicta* upon the point, and even decisions; for, in the case of *the King* v. *Draper*, it was permitted; in that of *the King* v. *Finnerty*, it was forbidden. Perhaps the real intention of the law is, that the matter may be submitted to the Court, upon the oaths of the parties, but not made the subject of a regular investigation. Thus much is evident, that to exclude altogether the consideration of the truth in this stage of the proceedings, would be the grossest injustice that can be conceived—while, to allow a complete examination of it, would be inconsistent with the principle of excluding it in the former stages of the trial.

Hitherto we have only spoken of libel, or written defamation. The criminal law of England allows no prosecution for spoken slander, unless it be seditious; and then the same rules apply to it as to libel. We are now to consider the civil remedy which the law gives for injury to private character; and this is the same in all cases, whether the injury be by words or by writing. The party whose character is defamed, may bring his action, and the defendant may answer it by alleging that what he spoke or wrote was true. This plea of justification throws the proof of the truth upon the defendant, and precludes all other considerations whatsoever; so that the plaintiff can recover no damages however severe the injury he has sustained, and however inexcusable the defamation may have been, if the defendant can only show that what he uttered was true. There is no longer any question of libel or slander; nor any question whether the defendant had a right to publish the truths he had spied out, or betrayed, and proclaimed to the world. Provided they be truths, the law says he had a right to publish them—at least the plaintiff has no right to compensation. If they were written, he might indeed indict and bring the libeller to punishment; if they were spoken he cannot punish him at all; and in neither case can he recover damages. We must add, however, that by slander or spoken de-

famation, the law all along understands not any charge ruinous to a man's good name; but only a charge which imputes to him some indictable offence. If by words spoken, his reputation be injured, how gravely soever, without the imputation of a crime technically the subject of indictment, the traducer can neither be punished, nor made to pay damages, be the slander as false as possible, by any proceeding known in the English law;—and this is the second great distinction, taken in that system, between written and spoken calumny. The former is punishable—the latter not; the former is both punishable and actionable, if it tends *in any way* to injure character; the latter, be its tendency ever so fatal to character, is neither punishable nor actionable, unless it imputes such a breach of municipal law as is recognizable by the penal code of that law.

We have now gone through the only material parts of English jurisprudence respecting the subject of the present inquiry. One charge which has been urged against the system, we are inclined to dismiss at once, as founded in an extremely superficial view of the matter. It has been stated as a great defect, that there is no law defining a libel; or expounding what shall be considered libellous. In no code, either formed by successive acts of legislation, or composed at once by speculative lawgivers, was ever such a definition attempted. The attempt would in truth be vain. The nature of the thing precludes all minute definition; and a general description is useless for the end in view. They who have called for such a law, have been misled by the analogy of the law defining treasons;[1] but there the great object was to exclude a variety of fancied crimes which the arbitrary caprice of successive kings had raised to the degree of treasons: And certainly the law in question was much more successful in its exclusion than in its positive definition; for it has left one class of treasons most obscurely defined, and has given so erroneous a description of the principal class, that the intent alone is stated, and the act wholly omitted.[2] It has, no doubt,

[1] 25 Ed. III.

[2] Thus, it is in truth no treason by the statute to murder the

been a very common practice to proceed against writings as libellous, which were not so; but how could any limitation be devised which should prevent such proceedings in future? There are not two or three marked kinds of libel exceeding all the others in frequency and importance, which could be singled out and made exclusively the objects of penal sanction, as was done in the case of treasons; besides that such a law supposes the question of libellous or not, to be once more taken from the Jury and transferred to the Judges; a most dangerous change, unless the descriptions were so plain that no doubt could ever arise in the application to particular cases. The call for a Libel Law, after the manner of the Treason Law, is therefore unworthy of attention. Means may be found of limiting the sense of the word in practice as effectually as is desirable, and preventing the prosecution of "*anything that at any time displeases anybody*," as the modern practice has been alleged to have described the offence. If such a remedy can be devised, it is obviously of no importance in what branch of the penal code it is placed. The danger arising from the working of the engine, may be as effectually prevented by providing checks to the actions of its parts, as by altering their structure; and it may happen that the alteration would be either detrimental or impossible, while the check may be safely and easily applied.

From the view already given of the Libel Law of England, several deductions may be drawn; and to these we now beg the reader's best attention, as they involve the fundamental points of the argument for a change of that law. We shall begin with that which is by far the most important, the exclusion of evidence as to the truth of the libellous matter in all prosecutions for this offence.

It is manifest, that a statement, either against the Government, or an individual, may be libellous; or, to use a phrase which no one can object to, may be criminal, although founded in truth. Undoubted facts may be in-

king, but only to compass his death:—and accordingly the Regicides were indicted for this compassing—the murder itself being laid as the overt act.

volved in furious or inflammatory invective. Some cases may be conceived (though they are exceedingly rare) in which a simple statement of facts respecting the Government would be an offence against the public tranquillity; but innumerable cases may be put, in which the publication of the truth, without any comment, would be an offence against private individuals. Things disclosed in confidence, or discovered by corruption, and things concealed from motives of prudence or humanity, may be maliciously promulgated, to the infinite injury or utter ruin of innocent persons. It is not therefore to be maintained, that the law would be erroneous, if it merely enacted that truth *might* be a libel; and only refused to all men the unbounded license of publishing whatever is true. But it goes a great deal farther; it says, not that the truth of the statement shall be no justification in itself, but that the truth or falsehood is in all cases wholly immaterial to the question of malicious or innocent intention; that it shall be entirely excluded from the consideration of the Jury, who must proceed to pronounce upon the motives of the publisher, and, generally, upon the guilt or purity of the act of publication, without once inquiring whether the thing published be strictly true or utterly false. Now, instead of the truth of the statement being in every instance foreign to the question of guilt, which the law presumes it to be, the cases are extremely few, if indeed there be any at all, in which the question of guilty or not guilty is not materially connected with the question of true or false, always supposing the composition to bear reference to a matter of fact. Thus it is impossible to put a case in which the falsehood of a statement, injurious in its nature, whether to Government or individuals, would not at once be decisive of a malicious intent. If so, the Jury, when called upon to pronounce upon a publication, without any evidence either of its truth or falsehood, are placed in a very extraordinary predicament. One means of investigation, which *might* be decisive, is withdrawn from them; that which might be a criterion, and preclude all further inquiry, they must not resort to; they must not use an instrument which at least *might* show them the way.

But it is said, that though this instrument, by pointing in one direction, would end all doubt, yet, if it does not so point, it decides nothing; that the question, "true or false," answered one way, might be decisive, but, answered the other way, would leave the inquiry where it began. For the present we will admit this; and still we contend, that it is no reason against examining the question, "true or false;" because, by examining that question, even if the result is not decisive, the Jury at least assures itself, that one decisive proof of guilt is wanting; while there is always a possibility (which nothing but the actual inquiry can destroy) that the result of the examination may be decisive. And it is unquestionable, that all human investigations are carried on by the use of such methods as this; methods which are seldom so complete, as in every instance to give a certain and immediate result, but more frequently afford the chance of an immediate result; that is to say, give the result, if it lies in one direction, and if not, leave us to pursue the inquiry by other means—only that the trial has shown us in what quarter we are *not* to seek it. All investigations of a scientific nature, without exception, are conducted in this manner—from the common rules of arithmetic, up to the most abstruse problems of modern analysis. Thus, if we wish to know what proportion two quantities bear to each other, or to what class a figure belongs, we often consider what would be the consequence, if the quantities be equal, or if the figure belong to a particular species: If we find that this consequence holds true in the case before us, the question is solved; if not we must try some other proportion, or some other species. So when a chemist would ascertain the nature of a substance, he uses a test, which, if a certain matter be present, will show it; but if that matter is not present, the test cannot tell him what really is there. Yet he would hold any one very cheap who should say the test was useless, and that he wasted his time in applying it; because, in the possible event of the matter not being present, he cannot from that test learn what is present. It is exactly in this manner that the question of "true and false" may be termed a test of libel; if the answer is

"false," the test has proved decisive, and shown that libel exists in the composition; if the answer is "true," there still may be libel, but we must find it by other means. The test would certainly be more complete, if either result, either answer, were conclusive; if "false" showed that there was libel, and "true" that there was none; but its not being perfect, is no reason for rejecting it altogether.

Again, according to the principle of the law, that the truth is wholly immaterial, the prosecutor ought, in every instance, to begin by admitting it. If he were bound to do so, there would be more consistency in the doctrine. When a party demurs in law, he admits the facts; he says, "be it so, the statement is true, but the inference is denied;" and this throws the argument upon the legitimacy of the inference. If the truth is always immaterial, as we are told, why is not the prosecutor obliged, in every case, to say, "the truth of the statement is undeniable, but it was criminal to publish it." This would leave the inquiry to be prosecuted by other criteria. But, as the law now stands, the prosecutor either says the statement is false, or he says nothing about the matter; and, in either case, even when he asserts it to be false, the jury must go blindly to the inquiry, without any information whether it be true or false in reality. In plain terms, the prosecutor takes his chance of their believing it to be false, without any proof; and is content to allege its falsehood, and not prove it, or even to abstain from the assertion, provided he may neither admit its truth, nor give the accused an opportunity of proving it; well knowing that, if proved, it must needs make some impression upon the minds of those who are inquiring into the guilt or innocence of the publication.

We are willing to rest the argument here; but it is by no means necessary. On the contrary, it is fit that we now ask whether the cases are not numerous in which the truth of the statement goes very far to prove its innocence? Whether they are not in sufficient number and importance to make the exclusion of that consideration highly unjust, even upon the supposition that there may be many cases where the truth is no evidence at all of innocence? There can hardly be hesitation on this case, however, in which the

proof of the facts being strictly true, would not operate in a certain degree favourably to the innocence of the publication. Its effect might often be small, but hardly ever would it be wholly insignificant. At least the cases are so very rare, that nothing can equal the absurdity of laying down a general and inflexible rule, upon the view of these cases alone. There might be some sense and consistency in saying, that, generally speaking, the inquiry should be gone into; but that, as it may happen to be immaterial in a few instances, in those it should be shut out. But the law says no such thing. It excludes the inquiry in every case, because, in one or two that may be put, it would be nugatory. And what is gained to the few by this injustice done to the many? Absolutely nothing. The utmost that can be said is, that a little time or trouble is possibly saved. It would be a better reason for doing injustice in ninety-nine cases, that you thereby avoided doing it in the hundredth case. No man indeed ever thought of proceeding upon such a principle: But the law in question does a much more rank injustice; it does injustice in ninety-nine cases, to save a little time or trouble in the hundredth. The very worst that can be said of the inquiry into the truth or falsehood of the statement prosecuted, is, that it may sometimes be wholly superfluous. Let us however ask, whether there is, in the law, any other instance of strictness in excluding evidence at all similar to the case before us? The principle upon which the question "true or false" is excluded, is this; that no evidence must be admitted which is not conclusive; and we will venture to assert, that anything more unlike the principles of judicial inquiry in all other cases, could not well be imagined. Every case of circumstantial evidence, for example, is of necessity made up of parts, each of which, taken singly, would be insignificant, or nearly so. Each piece of evidence, therefore, is of such a nature that it may be quite indubitable; and yet the person against whom it is adduced may be not guilty; and yet that, if the evidence pointed the other way, he *must* be innocent. Thus, it is shown that he was near the spot at the time the offence was committed. If the evidence was, that he had been far from the spot, the question would be

decided in his favour; but it does not follow that he is guilty, because he was near the spot: Yet as this is a circumstance pointing in the direction of guilt, it is most properly allowed to be proved on the one side, and disproved on the other. So in civil cases. How many little circumstances are allowed to be inquired into in questions of pedigree, each of which may be proved with hardly any material advancement of the case, and disproved without the very slightest detriment to it!—conversations in the family—old notes in family Bibles—similar names upon tombstones, and a variety of others. How slowly does the case proceed in questions of boundary, where evidence is allowed—indeed it is almost all that can be relied upon—of ancient acts of ownership, each act proving hardly anything! That the claimant's ancestor had a beast for some little time upon the disputed ground, and was not interrupted, is good evidence: if he had kept it there in spite of interruption, it would have been better; and still more satisfactory, if he had interrupted successfully the ancestor of the adverse party. But the law does not reject even the lowest and most equivocal of these proofs, merely because it slightly aids the inquiry, and because it is much less decisive than others would have been. Its principle is, to seek for the best evidence, and to be satisfied with the best that can be had. Why should not the same principle be applied to the case before us? Why not say to the defendant, You may prove that all you have published is quite true, and still you may be guilty: nevertheless, as the proof may help you a little—as it is a step, though a small one, towards your acquittal, it is open to you. If you fail in proving it, you are proved guilty: If you succeed, it remains to be seen whether you can complete the demonstration of your innocence, or whether other means of showing your guilt do not remain?

It may be useful to consider more nearly the cases similar to the one in question, where the law proceeds upon the principle recommended. We shall find that they come nearer than any assignable distance.

If a person is prosecuted for an assault, he is allowed to give in evidence, not only that he committed it in self-

defence, but that he did it upon provocation; and he may prove all the particulars of the provocation. Observe, that no provocation justifies an assault in the eye of the law. And accordingly, even in a civil action, nothing can be *pleaded* short of an actual assault by the party complaining, though here, too, circumstances of provocation may always be given in evidence; but in the criminal proceeding, where the merits of the prosecutor enter for nothing into the question, those circumstances are allowed to be proved, as throwing light upon the *animus*, the malice, which is the main question for the jury. General evidence of good character is in all criminal cases allowed, upon the presumption that the probability of guilt, in the particular instance, is lessened by such proof; and it is allowed, even after the most precise evidence of guilt in that instance has been tendered, and although nothing more specific is offered to rebut it. Even under such circumstances, the law does not reject this most slender presumption, or forbid the defendant from availing himself of it, although it would be difficult to descry in what minute degree his case is bettered by it. In like manner, it is permitted to show, generally, that, in the opinion of witnesses knowing the defendant, he was not a person likely to have committed the offence. There are even instances where more detailed evidence of this description has been admitted. In Lord Russell's trial, Dr. Tillotson was examined to prove that his habits were moral and religious; because it was less likely that a man of this cast should have committed treason. Mr. Horne Tooke was allowed, in 1794, to give in evidence a tract published by him, twelve years before, upon Parliamentary Reform, in which there were some loyal expressions; upon this ground, that the charge now brought against him was, the having made parliamentary reform a cloak for treasonable designs.

These instances carry us a good way towards our conclusion; but the law respecting libel itself brings us still nearer: For it appears that in that law evidence is everything in any way connected with the act, except only the truth or falsehood of its statements! If an inflammatory passage is selected for prosecution, and read in proof, the

most inviolable rules of evidence require that the defendant may call for, or give in proof, any other passage of the same composition. The reason given for this is, that the passages kept back may explain away those put forward; and so they may; and so they probably will, in a number of instances sufficient to justify the adoption of the rule: Nevertheless it might be contended, that, in some instances, the passage adduced is so manifestly criminal, that no part of the context could explain it away. For instance, suppose an elaborate and powerful exhortation to rebellion in one part of a work; and in another part an admonition to loyalty, accompanied with an averment that the inflammatory passage was not the author's opinion. We cannot imagine any one passage more completely bearing upon and counteracting another; and yet clearly the production of the second leaves the publication of the first still criminal; it goes as little towards the proof of innocence as the truth can be said to go in the most extreme case that we can put. Nevertheless, the law says that both passages shall be read; first, because how minute soever the light thrown by the second upon the first, still not a glimmering shall be excluded; secondly, because, unless the defendant had the power to bring it forward, the jury never could know whether the first passage was modified or explained at all, or in what way it was modified; thirdly, and chiefly, because the rules of law should be general, and proceed upon the bulk of instances, and not upon the exceptions or extreme cases—the more especially, when the only harm that is done in those instances, is (as in the case of allowing the truth to be proved) the admission of evidence, which may be useless, but can never do any mischief.

If, however, it should be still contended, that this rule of evidence only provides for the entire production of a composition, part of which is made the subject of prosecution, there are other cases in which extrinsic circumstances are allowed to be proved, though they only help the inquiry into the guilt of the publication, and by no means decide the question either way. The defendant, for instance, is allowed to show, that the publication was in answer to an attack upon himself; although this is no jus-

tification in a civil action, nor of itself a defence to the prosecution; but it throws light upon the *intention*, and tends to disprove that *animus injuriandi*—that *mens rea*, without which the law holds no man guilty. In like manner, if the libel was published in the prosecution of the defendant's lawful private affairs, he may give this in evidence. Thus, he may show that it was written in answer to a letter asking the character of the prosecutor as a servant. Yet no one can deny, that a gross libel might be published in this shape. As this case has been actually decided, we may observe how impossible it is to maintain it for law, and yet refuse evidence of the truth or falsehood of the alleged libel; for, suppose the defendant proves that he gave the prosecutor's character upon being asked, and is not allowed to prove the account a true one,—we must either say that it is no libel to blacken a man's character by the grossest falsehoods, in answer to an inquiry,—or we must say that a true character may be libellous, though given in this manner, and yet admit a proof of the manner of giving it to be important in the inquiry. This is most clearly an instance where the circumstances of the publication are far less important to the inquiry than the truth of the matters published. Almost every circumstance in the occasion and manner of the publication may in like manner be given in evidence on either side. The particular time; the aspect of public affairs; the events alluded to in the composition; the situation of the persons mentioned: these, and similar circumstances, are generally stated in the averments of the information or indictment, and they must be proved by the prosecutor, and may be rebutted by contrary evidence on the part of the defendant. Yet, of themselves, they decide nothing as to the guilt; they only elucidate the nature of the alleged libel, and the *animus* of the publisher. It has been likewise solemnly decided, that there is nothing libellous in a publication, by a private individual, of a parliamentary paper charging the prosecutor with treason. This was ruled upon an application for a criminal information; but, *à fortiori*, would evidence to this effect have been admitted upon the trial.[1] In the case of *Rex* v. *Creevey*,

[1] Rex v. Wright, 8 T. R. 297.

evidence was to have been given, that the composition contained a correct—that is, a *true*, account of a speech in the House of Commons; and a motion was made, to put off the trial on account of the absence of a member of that House, the witness who was to prove it. Had the evidence tendered been incompetent, the motion would have been refused; but it was entertained, and only waived upon an admission by the prosecutor that the account was a true one. The case afterwards came before the Court of King's Bench, who held, that the account being a correct one, did not constitute a sufficient defence of the publication; but no exception whatever was taken to the competency of this as matter of evidence for the Jury; on the contrary, the argument proceeded upon the fact as admitted.[1] It has, indeed, been solemnly decided, that the correctness of a report given in a newspaper, of what passed in a court of justice, may be given in evidence without being pleaded to an action for a libel; and that, if proved, it is an answer to the action:—a position which is perhaps too large, as laid down absolutely in that case;[2] and which, accordingly, received some modification, both in *Rex* v. *Creevey* and in *Stiles* v. *Nokes*,[3] where it was said, that "a *wanton* publication, at a subsequent period of a trial, hurtful to the feelings of the parties," might be libellous; but the Court never thought of refusing, in such a case, the evidence that the publication was correct: The wantonness was to be proved by other considerations—as the time, the occasion, &c.; and the correctness, so far from being excluded, was admitted, to throw upon the party complaining the burthen of proving the criminality *aliunde*. In case any doubt should remain of this rule applying to prosecutions as well as actions, it has been recognised in a remarkable manner, by Lord Ellenborough, in *Rex* v. *Fisher*.[4] His Lordship's words are remarkable, and conceived in the true spirit of the argument which we have been maintaining. "Trials at law, *fairly* reported, although they may occasionally prove injurious to individuals, have

[1] Lanc. Ass. Spring 1813, cor. Leblanc J. & in B. R. vid. M. &c.
[2] Currie v. Walter, 1 Bos. & Pull. 525.
[3] 7 East. 504.
[4] 2 Campb. N. P. 574.

been held to be privileged. Let them continue so privileged. The benefit they produce is great and permanent; and the evil that arises from them is rare and incidental." These words might seem to go beyond the principle we are supporting; but, of course, the learned Judge could not mean to say, that a correct report of a trial might not, under peculiar circumstances, be libellous: The *dictum*, however, and the admission of the evidence to which it refers, clearly show, that, in a criminal prosecution, it is always competent to go into the question, whether the composition gives a true account of a judicial proceeding; and that, if the affirmative is proved, the malice of the publication must then be shown by the prosecutor in some other way.[1]

We entreat the reader's particular attention to the import of the instances which we have just now detailed. They

[1] There is a discrepancy, unquestionably, between the purport of the language here cited and the report, both in *Nokes* v. *Stiles* and *Rex* v. *Creevey*. The same diversity is to be observed in the latter case and that of *Currie* v. *Walter*, the rule in which certainly requires some limitation: and we conceive that the observations in the text furnish it. But it is still more difficult to reconcile the observations in *Rex* v. *Creevey* with those made in *Rex* v. *Wright;* and indeed the two decisions seem themselves at variance. See particularly the argument of Lawrence J. in the latter case. It is no answer, to say that a report of a committee is a proceeding of the whole House when ordered to be printed *for the use of the members*, and that a speech is not a proceeding of the House. The business of the House consists in making and hearing speeches principally; and a speech made and heard, is strictly a proceeding, as much as a report of a committee. The printing of the report, it must be remembered, was the act of an unauthorized individual. To print the speech was as much the publication of a proceeding, as to print the report; and, strictly speaking, both publications were equally irregular, and, with reference to the House, equally a breach of its privileges. There are innumerable resolutions to this effect in the Journals. See particularly *Com. Journ.* 13 *April*, 1738, where the publication of the proceedings of any committee is expressly prohibited. It may further be reckoned an inconsistency between *Rex* v. *Creevey* and *Rex* v. *Fisher*, and indeed *Currie* v. *Walter*, that the House of Commons is particularly spoken of as a court of judicature, both by Lord Coke, 4 *Inst.* 23, who cites 6 *Hen.* 8, *c.* 16, to show that the clerk's book is a record; and more distinctly by one of the learned Judges who decided *Rex* v. *Creevey*—*vide Burdett* v. *Abbot*, 14 *East.* 158, *per Bayley J.*

are all examples of evidence being admitted in prosecutions for libel, to prove circumstances by no means necessarily inferring innocence or guilt, but merely tending to illustrate this point; circumstances which may be true, and yet the composition may be a libel, or *vice versâ*;—circumstances, in short, which stand in the same relation as the truth of the statements to the matter at issue,—with this difference, that not one of them, generally speaking, is half so intimately connected with it. The defendant is always allowed to read other parts of the composition, because they may explain away the libellous passage,—although there may be cases in which no context can explain it away. He is allowed to prove the writing which called forth the alleged libel, and any other circumstances of provocation, —although it is certain that no provocation can justify a libel. He is allowed to show that the libel was published in answer to a demand of information, — although no such occasion will justify the giving false information of an injurious nature. He is allowed to prove that the publication of a true account of what passed in Parliament or in a court of justice,—although it is certain that the libel is not the less one for having been originally spoken there; and moreover, that no man can publish a parliamentary proceeding without committing an offence against the law of Parliament, which is the common law of the land. Why then is such evidence allowed? It is not necessarily decisive of anything; it may be all taken for granted in many cases, and yet the defendant may be guilty. The prosecutor may say, "Grant that your composition gives a true account of the debate; still, to publish it was a libel, if its tendency is injurious to character or to the public peace, whether it originally passed in Parliament or not." Why is he not heard to say so? Because the law holds, that light *may* be thrown upon the motive, the *animus* of the publisher, by the production of such evidence; and that no light ought to be shut out. Why, then, is all evidence of the truth of the statements contained in the composition peremptorily excluded? The reason given is exactly that which exists in all the other cases;—it is said that those statements may be true, and yet the publication

may be libellous. But this reason is listened to in none of those cases. It is only allowed to operate where the advantage of opening the door to evidence is the most important; where the harm done by shutting it is the greatest; where the evils, or rather the risk of inconvenience from a better practice, is the least considerable.

We desire to rest the great question under discussion upon the argument which we have just closed. It goes directly to the merits; it demonstrates, both that the investigation of the truth is impeded, in the most eminent degree, by the rule of law—and that this rule is quite inconsistent with analogy, and more especially with the rest of the Libel law. An example will at once bring the matter home to the understanding of every man of common sense. He is called upon, as a juror, to pronounce whether the defendant *maliciously* or *innocently* published that a man's father was hanged;—can he for a moment doubt that his judgment would be materially affected by being informed, whether in fact the man was hanged, or the whole was a pure invention? The law, however, calls upon him to pronounce upon the guilt or innocence of the publication, without the possibility of obtaining this information; while, at the same time, it allows proof to be adduced that the story was told upon a particular occasion; that it was drawn forth by another story; that it was previously told by somebody in another place. The only thing, by no means to be inquired into, is its truth.

Some persons affect to see great danger to the peace of the community, and the stability of the government, in an unlimited discussion of public measures. But the rule for which we are contending, would not remove all bounds from the discussion; because the defendant might still be convicted, although he had proved his facts. We are willing, however, to admit that its adoption would greatly extend those bounds, inasmuch as rulers would be far less prone to order State prosecutions. The only check which at present represses such proceedings, and to which the liberty of printing actually enjoyed is wholly owing, is the fear of bad ministers, lest their conduct should be can-

vassed, irregularly and indirectly, on the trial. This fear, indeed, may frequently operate to prevent prosecutions in themselves just, because at present the defendant, though he can prove nothing, may insinuate anything; but were proof allowed, no unjust prosecution would be undertaken; the inducement to silence would be imperative, and the limits of discussion greatly enlarged. In truth, we might go further, and ask what danger can ever result from the most unlimited discussion of public measures? In what circumstances must a government be which ought to fear it? "My government," said Cromwell, "is not worth preserving if it cannot stand against paper shot." The sagacious usurper, accordingly, trusted to the strong arm of power, and never prosecuted for libels; but a good government, founded upon free principles, and planted in the hearts of the people by the blessings it conferred upon them, would have far less fear from paper shot than the military despotism of Cromwell, who, after all, lived to feel that the press is the appointed scourge of evil rulers, when it dared to tell him, in the face of the country, that the people could only enter upon the inheritance of their birthright by his death.[1] To hamper the press may serve the purposes of a usurper, or a wretched and incapable ruler; a just and lawful government may safely, and even advantageously, encourage the freest discussion. The influence of those at the head of affairs secures them at least an attentive hearing in their own defence; it insures them also the support of a portion of the press. Even if they are in the wrong, they have so many circumstances in their favour, that it requires all the native vigour of truth, aided by time, to prevail against them. If they are in the right, how much more safely may they trust their support to reason, and rest satisfied with repelling or retorting the attack, by weapons of the same kind? What is there so very captivating in error—what so bewitching in excessive violence—what so attractive in gross and palpable injustice—as to make those tremble, who stand firm in the consciousness of being right? Surely truth and sense have, at

[1] This was the definition of *paternal* government given in those days.

the least, an equal chance in this contest; and if the refutation of sophistry may be entrusted to argument, the exposure and condemnation of literary excesses may be left to good taste, without much fear of their proving hurtful to any cause, but that which they are intended to befriend. The only risk that just and wise rulers can incur from discussion, is to be found in the consequences of its restriction. Hamper it, and even the best measures, the purest systems of government, have some reason to fear. No rules of law can prevent something of the truth from getting out; and, if a blunder is accidentally committed, the less free the press is, the more likely are distorted and exaggerated statements to prevail. A people kept in the dark, are sure to be easily disquieted; every breath makes them start; all objects appear in false shapes; anxiety and alarm spread rapidly without a cause; and a government, whose conduct might bear the broadest glare of day, may be shaken by the delusions which have sprung from unnecessary concealment. There are a few supposable cases, in which such a government may have an interest in preventing the truth from being published; but they are rare in the extreme, and nearly exceptions to the rule. There can be no case in which, when the truth has been published, it can be its interest to prevent it from being proved upon the published trial.

The present law excluding such evidence, produces the worst possible effects, in another and most important point of view. It destroys the best protection which private character can have, and greatly promotes the abuse or licentiousness of the press, in the only quarter in which it is to be dreaded—its inroads upon the comfort of individuals. A very little attention to the practical effects of the law in question, will evince the truth of this position. When a man's character is attacked by a libel, the law gives him two modes of proceeding. He may bring his action of damages for the injury he has sustained; or he may prosecute criminally, for the punishment of the traducer. Before proceeding further, let us attend for a moment to the distinction which is said to exist technically between the object of these two proceedings, and upon which much

reasoning is grounded: The one is called a remedy, and the other a punishment; the private party is said to have an interest in the former, but the public only are deemed to have an interest in the latter. Theoretically speaking, it perhaps is so; but the practice has departed so widely from the principle, that its operation can now hardly be traced. If the private party has no interest in the prosecution, why is he always the prosecutor? Strictly, indeed, any one else has the same right to prosecute; but, in fact, we know that the injured person alone institutes proceedings; and we will venture to say, that nothing would be more hopeless than a prosecution for a libel commenced by a third party: If the person libelled were not brought before the Grand Jury, no bill would be found; or if, by any miracle, the defendant were put upon his trial, an acquittal would be certain. But how is it in applications for a criminal information? These are as much for the interest of the public as proceedings by indictment; and yet every part of the practice regarding them is founded upon the analogy to cases of an individual interest. No information ever was granted, except upon the oath of the party complaining, and upon an application from himself, or some one authorized by connexion with him, to apply in his behalf. He must come *rectus in curia*, and swear to the falsehood of the libel, as if he sought for compensation in damages; otherwise he is told that the Court will not interfere, but leave him to the ordinary proceeding. The interference is thus termed *extraordinary*, and is treated as a favour to the party applying; whereas, if he only applied in behalf of the public, his own merits would be out of the question, and the truth or falsehood of the libel being quite immaterial in criminal proceedings, the information should be granted without any regard to the matter. He is also required to waive his right of action, which, if the criminal proceeding were wholly of a public nature, and foreign to his own interest, would be the height of injustice. He is likewise liable to costs if he fails. But in proceedings by indictment, practically speaking, the prosecutor is in nearly the same predicament as to waiving his action; for if he has prosecuted to conviction, he can never expect to

recover more than nominal damages; and, if the defendant has been acquitted, no lawyer would strongly recommend going on with the action at all. He may likewise make himself liable to costs, if he prefers having the trial in one court at one time, rather than another, although such preference is, strictly speaking, as much for the public interest, and as little for his own, as any other part of the proceeding. We can, therefore, have no hesitation in viewing both the action and prosecution as remedies given for injury offered to character, not indeed both in the nature of compensation for a loss, but both in the light of reparation, vindication, remedy. Let us see, then, in what manner the exclusion of evidence operates upon this right to reparation.

If an action is brought, the party no doubt defies his traducer to prove the truth of the charge—and, so far, he saves his honour. But unless he is a person of high rank, or unless the defendant is such a one, or unless some high names are in some way involved in the transaction, he obtains a very paltry sum by the verdict. In all ordinary questions of this sort, Juries lean against heavy damages; and only award considerable sums when they are dazzled with sounding titles, or great fame and notoriety. A private gentleman may think himself well off if he leaves the court with a verdict sufficient to pay the difference between the taxed costs and the real expenses of the action; he retires with the satisfaction of having had his character estimated in the currency of the country, and his neighbours are informed that it is worth fifty or a hundred pounds. There is something revolting in this proceeding, to a person of any delicacy or high sense of honour; and accordingly, it is hardly ever resorted to, except when the reason presently to be given, renders it a matter of hard necessity. Then how does such an action operate upon the libeller, even when he pays considerable damages? A little of that gain is wrung from him, which he has been making by his infamous art. He has coined an honest man's character into money, and he is made to refund a percentage; he lives upon the destruction of his neighbour's reputation, and he is compelled to let that neighbour share

in the spoils of his own fame. Besides, it is manifest that this kind of proceeding encourages the worst species of detraction, that of wealthy and powerful persons, who lurk behind the backs of desperate men, and set them on to stab the reputation of their adversaries;—the penalty is easily paid, and the offence as safely repeated.

Thus, on every account, a prosecution, as it is the *only mode* of inflicting a fit punishment, is the best mode of seeking reparation; or rather, it would be the best mode, but for the rule of law in question. By virtue of that law, however, it gives no assertion of innocence; it flings out no defiance to the traducer; it rather admits that the charge is founded in truth. When the man whose character has been attacked, prosecutes criminally, he is believed to be afraid of challenging inquiry; he is supposed to confess, if not that all the charge is true, yet that there is a part of it founded on fact—that all is not right—that there is some rotten or tender point, which will not bear probing; and, in so delicate an affair as honour, we need hardly observe that such an idea is decisive against the prosecution. By commencing it, he sets the example, if not of giving up his fame, at least of breathing upon it; and that is quite sufficient. The consequence, in fact, is, that prosecutions are not undertaken; that private character is daily attacked with perfect impunity; that professed calumniators, who gratify the malignity of their patrons, or pander for the base curiosity of the multitude, drive their dishonest trade in full security; and that the most unbridled licentiousness is known to pollute the press, in every department, except that in which it would be harmless, at a time when the powers of Government are exerted with the greatest rigour to check every deviation from the straight line in the discussion of public measures, where hardly any extravagance could prove hurtful. Many years have elapsed since periodical publications have been carried on upon the avowed plan of purveying slander for the prurient appetite of the vulgar, in whatever rank of life. Daily papers have subsisted upon the gains of this sordid traffic, for a length of time which almost affords an antidote to their venom. Death itself hardly walks abroad more unceasingly than

the spirit of defamation goes its rounds in the community. The reptiles that attend him do not prey more indiscriminately upon the noblest remains, than the vermin of the press upon the fairest names. Nothing is so exalted as to be above their audacity—nothing so sacred as to scare their rapaciousness—nothing so humble and retired as to elude their incessant activity. Not only the public characters of statesmen, and the private conduct of public men, but the secret actions of obscure and lowly individuals, are their prey. For these they hunt the shade of voluntary seclusion; seize upon them with the fury of hunger; drag them forth into the blaze of day; and tear them in pieces, to appease that gross appetite which can never be satiated.

> ———" ha natura sì malvagià e ria
> Che mai non empie la bramosa voglia
> E dopo 'l pasto ha più fame che pria."[1]

Is it that in our times slander has become more daring,—that falsehood has ceased to be cowardly? No.—It is because all risk of punishment is at an end, and the lying calumniator of private worth is secured against answering for his offence by the same law which confounds him with the publisher of truth. No one ever thinks of prosecuting; —there is hardly an instance of a periodical work being prosecuted at the instance of a private party. We only recollect one in the course of many years; unless, indeed, another is to be mentioned, where the prosecution was dropt, because the truth of the statement complained of had, after the bill was found, become quite notorious, by proceedings instituted in another court. As long as the law stands upon its present footing, this impunity is secured to libellers; and the trade of calumny must thrive without restraint. Now, as the only way at once to remove the gross injustice and inconsistency of precluding all inquiry into the truth, to promote free discussion of public measures by discouraging oppressive state prosecutions, and to protect private character from the licentiousness of the press, by withdrawing the obstacles to private prosecutions, it is proposed to allow the truth of the matters contained in any

[1] Dante, Inf. This was written at Milan; and the quotation was suggested by Monti, the great poet.

alleged libel to be given in evidence, and to leave this to the Jury, among other things, without calling upon them to acquit the defendant, because he shall have proved his statements to be true.

The bill brought into the House of Commons last Session by Mr. Brougham, and the further discussion of which was deferred to next year, proceeds upon the principles now developed. It first takes away entirely the power of filing *ex-officio* informations in cases of libel and seditious words; it next abolishes the power of reply, unless where the defendant has adduced evidence—thus placing Crown prosecutions upon the same footing with all others; it further prevents any such trial from being by Special Jury, unless both parties consent—thus placing the offence in question upon the same footing with all crimes of the highest nature, namely, treason and felony, and with all misdemeanors, the proceedings for which do not come from the Crown Office. The bill proceeds to take away the distinction between written and spoken slander; and to provide that the latter may be prosecuted as a misdemeanor. In the next place, it allows the defendant, in all prosecutions for libel, or seditious or defamatory words, to give the truth of the statement in evidence, after due notice to the prosecutor; but it provides that the Jury may, notwithstanding of such proof, find the defendant guilty—and that the court, in passing sentence, may consider such proof either in aggravation or in mitigation, and may also consider the giving notice, without offering evidence, in aggravation. The next provision is for enabling the defendant to prove that the publication was without his privity, and the Jury to convict, notwithstanding such evidence. It further takes away the distinction between words imputing an indictable offence, and words generally defamatory, declaring both to be actionable, and thus removing also the distinction in this respect between written and spoken slander. Lastly, it prohibits the truth of the statement from being pleaded in justification to an action, whether for libel or for words; but enables the defendant, upon due notice to the plaintiff, to give it in evidence under the general issue, and the Jury to take

such evidence into their consideration, but to find a verdict for the plaintiff notwithstanding, if they shall think fit. Such are the provisions of this bill, omitting some matters of technical arrangement; and if there be any truth in the opinions maintained above, it comes within the description given by the preamble, and may be deemed a measure "for the more effectually securing the Liberty of the Press, which hath been the chief safeguard of the Constitution of these Realms, and for the better preventing of abuses in exercising the said liberty, and in using the privilege of public discussion, which, of undoubted right, belongeth to the subject."

We have now brought this inquiry to a close; and we cannot dismiss it, without remarking, that after all the arguments which have been offered, there is one short method of reason much more likely to prove successful against any change in the law, how deeply soever it may have its foundations in sound reason. It is a change—an innovation—and that is enough. And yet changes, innovations in the law, are matters of daily occurrence, nor ever objected to when they operate against the liberty of the press, against the ancient rights of the people. In 1799 a new law was passed, to oblige all printers to furnish evidence against themselves. In 1808 a power was, for the first time, given to the Crown lawyers, of sending to prison, or holding to bail, any person against whom an information was filed. In 1807, by a more comprehensive and far wiser innovation, the whole system of civil proceedings in Scotland was altered by one bill; and in 1815, Trial by Jury in civil cases was for the first time introduced, with a new tribunal erected for the purpose. In 1813, the ancient constitution of the Court of Chancery was subverted, and a new court and a new great officer of justice called into existence. The history of the Revenue is the story of inroads upon the Trial by Jury, of new powers conferred upon creatures of the Crown, of innovations upon the old common-law rights of the subject, and the established practice of criminal jurisprudence. The political annals of the last twenty years have been filled with novel acts of legislation, tampering with the rights of the people,

and changing the order of proceedings in courts of justice. Even where no temporary or party motive has prevailed, the Judges and law officers of the Crown have not been idle in the invention of crimes; and one statute, passed in 1803, created somewhere about a dozen new felonies, while it converted a felony into a misdemeanor. In such a state of things to set up a cry about innovation, and meet solid arguments in favour of a measure, with the observation that it is a change of the former law, seems a method of proceeding hardly consistent with good faith. It would be far better to state it at once as an objection, that the proposed amendment of the law is in favour of the rights of the subject; tends to promote free discussion, and to check public abuses; and all this without vesting any patronage in the government, by the creation of new places, or conferring additional powers upon the Judges, by extending their discretion. This objection would be as intelligible, and much more consistent; and it would certainly be an honest one. In the mean time, we are content to leave the reasonings contained in these pages to the decision of the enlightened cultivators of juridical science, who will never be scared by a mere clamour; and we take leave of the subject for the present, in confident expectation, that, sooner or later, these reasonings will produce a practical effect.[1]

[1] In 1830 the Bill of 1816 was again brought into the House of Commons, but it was postponed. Some years later Lord Campbell brought a similar Bill into the House of Lords, and a Committee examined the whole subject. The result was the passing of the Act which enables the defendant to give the truth as evidence in all prosecutions for private libel, but unfortunately leaves the law as it before stood in prosecutions for public libel—although there may be some doubt as to the question in private, none in public libel.

# VIII.

# PHYSICAL SCIENCE.

# KEPLER'S PROBLEM.

(JANUARY, 1803.)

*Transactions of the Royal Society of Edinburgh.* Vol. V., Part II., 1802.

*A New and Universal Solution of Kepler's Problem.* By JAMES IVORY, Esq.

OUR scientific readers are well acquainted with the celebrated inquiry to which Kepler was led, after the discovery of the law which bears his name. Having proved that the squares of the periodic times are as the cubes of the distances, he wished to discover a method of finding the true place of a planet at a given time—one of the most important and general problems in astronomy. By a short and easy process of reasoning, he reduced this question to the solution of a transcendental problem;—to draw from a given eccentric point, in the transverse of an ellipse (or the diameter of a circle) a straight line, which shall cut the area of the curve in a given ratio; or, in the language of astronomers, "from the given mean anomaly, to find the anomaly of the eccentric."

This most important problem is evidently transcendental; for, in the first place, the curve in question is not quadrable; and, in the next place, admitting that it were, the solution cannot be obtained in finite terms. As the general question, for all trajectories, is of vast importance; and as this paper contains a most successful application of the utmost resources of algebraic skill to the most important case of it, we shall premise a few remarks upon the problem, when enunciated in different cases.

Let $d^2$ be the given area of any curve, which is the tra-

jectory of a planet or other body, or which is to be cut in the given ratio of $m$ to $n$. Let $x$ and $y$, as usual, be the abscissa and ordinate, and $c$ the eccentricity of the given point, through which the *radius vector* is to be drawn, if the equation is taken from the centre; or, if it is taken from the vertex, let $c$ be the distance of the given point from that vertex, as the focal distance in the case of the planets or comets (supposing the comets to revolve round the sun in parabolas or eccentric ellipses, having the sun in the focus), then, it may easily be found, that the following fluxional equation $2 \int y\,dx + y\,(c-x) = \frac{2\,m\,d^2}{m+n}$, if resolved for the case of any given curve, gives a solution of the problem for that curve. Instead of $\int y\,dx$, there must be substituted the general expression for the area found by integration; and $y$ must then be expressed through the whole equation in terms of $x$, or $x$ in terms of $y$: There will result an equation to $x$, or to $y$, which, when resolved, gives a solution of the problem.

Now, it is manifest, that one or both of two difficulties or impossibilities may occur in this investigation of the value of $x$. It may be impossible to exhibit $\int y\,dx$ in finite terms; and it may be impossible, even after finding $\int y\,dx$, to resolve the equation that results from substituting the value of $\int y\,dx$ in the general equation above given. Thus, if the given curve is not quadrable, the equation can never be resolved; but, although the curve is quadrable, it does not follow that the equation can be resolved.

In the case of the *circle* and *ellipse*, both these difficulties must of course occur. The value of $\int y\,dx$ in the circle being $\int d\,x \sqrt{a\,x - x^2}$, and in the ellipse $\int \frac{b\,dx}{a} \sqrt{a\,x - x^2}$ (where $a$ and $b$ are the transverse and conjugate), neither of which differentials can be integrated in finite terms, the general equations become indefinite or unintegrable.

The *lemniscata* (a curve of the fourth order) is quadrable; but the resolution of our general equation cannot, in this case, be performed in finite terms; it leads to an equa-

tion of the sixth order, very complicated and difficult.[1] But, if the given point is in the centre or *punctum duplex* of the curve, the equation is a cubic one, wanting the second term, and of course, easily resolved.

It often happens, too, that the problem may be resolved, in general, for a curve; but that, in one particular part of the axis, the solution becomes impossible. As this is rather a singular circumstance, we shall attend a little more minutely to it.

Let it be required to resolve the problem for the case of comets, supposing those bodies to move in parabolic orbits. The general equation for $x$ becomes $x\sqrt{x} + 3c\sqrt{x} = \frac{6}{\sqrt{a}} \times \frac{m d^2}{m+n}$; a cubic wanting the second term, and easily resolved. But, in certain cases, viz. when $c$, the distance of the given point from the vertex, is less than $3d \times \sqrt[3]{\frac{m^2 d^2}{4a(m+n)^2}}$ the problem cannot be resolved; for, in this case, the cube of one-third of the coefficient of $x$ is less than the square of half the last term, which is the well-known irreducible case of Cardan's rule. In this case, therefore, the problem of the comet is reduced to infinite series, or to the arithmetic of sines. If the given

[1] The equation is of the following form, $a$ being the lemniscata's semidiameter:—

$$\left.\begin{aligned} &+ x^6 \\ &+ 6c(1-a)x^5 \\ &+ \left(9c^2(1+a^2-2a) - a^2\right)x^4 \\ &- 6ca^2(1-a^2)x^3 \\ &+ \left(3a^4 - 9c^2a^2(1+a^2-2a)\right)x^2 \\ &+ 6ca^4(1-a)x \end{aligned}\right\} = \frac{12m}{m+n}a^2d^2\left(a^2 - \frac{3md^2}{m+n}\right)$$

a cubocubic having all its terms ($x^6 + Ax^5 + Bx^4 + Cx^3 + Dx^2 + Ex + F = 0$), in which A, C, and E vanish when the centre of motion (or of the *radii vectores*) is in the *punctum duplex*, and then the equation to $x$ is $x^6 + Bx^4 + Dx^2 + F = 0$, reducible to the cubic $z^3 + \Delta z + \phi = 0$. So that the problem is soluble, except when the eccentricity is such that $\left(\frac{\Delta}{3}\right)^3$ is less than $\left(\frac{\phi}{2}\right)$, the irreducible case of Cardan's rule.

point is in the vertex of the curve, that is, in the perihelion, the problem is always resolvable, being reduced to the simple extraction of a cube root; and this is the case of comets which fall into the sun.

The resolvable case of the *lemniscata* is in the same circumstances, as may easily be seen by inspecting its equation.

In substituting for $\int y\,dx$, its value in our general equation, we may either give it in terms of $x$, that is, of the abscissa; or in terms of $x\,y$, that is, of the circumscribing rectangle; and neglect any further substitution. Thence arises a different and more elegant solution of the problem, by the intersection of curve lines; for we obtain an equation to a new curve, which cuts the former in the point required. Thus, by such a process in the case of the comet, we obtain the equation $y = \frac{6\,m\,d^2}{(m+n)\,(x+3\,c)}$ to a conic hyperbola. For brevity's sake, put $\frac{2\,m\,d^2}{m+n} = \phi^2$, the equation becomes $y = \frac{3\,\phi^2}{x+3\,c}$: Therefore, taking a point on the axis at the distance of $3\,c$ beyond the given vertex (or perihelion), erect a perpendicular, and between the two lines, as assymptotes, describe the hyperbola $x\,y = 3\,\phi^2$, it will cut the given trajectory in the point required: If the given point is in the perihelion, then the perpendicular must be raised at the vertex of the parabola.

The solution here given by a *locus*, is evidently general, and has no impossible case. But there are some instances in which such solutions, although perhaps the only practicable ones, are nevertheless attended with an impossible case. Let us take that of the *lemniscata*. Instead of the irresoluble equation of the sixth order, we obtain, by the last-mentioned method, a cubic equation of this form, $y = \frac{(3\,\phi^2 - 2\,a^2)\,x}{3\,c\,x - x^2 - 2\,a^2}$; to a curve of the third order, called, if we rightly remember, by Sir Isaac Newton, in his '*Enumeratio Linearum Tertii Ordinis*,' a *parabolism of the hyperbola*. Now, although this is extremely simple,

in comparison of the complex equation given by the direct method first mentioned, it has manifestly one impossible case, viz. when $\phi$ is equal to $a \times \sqrt{\frac{2}{3}}$, or when the given area is to two-thirds of the square of the diameter of the curve, as $m + n$ to $m$: In this case, no parabolism of the hyperbola can be drawn, which will intersect the given curve in the point required; and this is an impossibility affecting every possible value of $c$; that is, every position of the given point, in this particular magnitude of the given area. But this circumstance makes no difference on the resolution of the problem by the direct method. Thus, when the eccentricity vanishes, or the given point is in the *punctum duplex*, the solution is derived from a cubic equation equally resolvable when $\phi = a\sqrt{\frac{2}{3}}$ as when $\phi$ is either $<$ or $> a \times \sqrt{\frac{2}{3}}$.

The method of resolving this interesting problem by *loci*, is the source of an immense variety of the most curious propositions concerning the properties and mutual relations of curve lines; and, more especially, leads us to the discovery of various porisms, which we otherwise should never have found out. In order to generalize and extend these, it is necessary that, instead of considering merely the case of Kepler's problem, where an area is cut by a straight line, we should consider also the far more difficult problem of cutting the area of one curve by another curve, in a given ratio; and then the problem may be extended to the section, not of one curvilinear area, but of an infinite number of areas, contained between two given lines, or of the areas of all the curves of a particular kind which can be drawn between those given lines. It is easy to perceive, that the same resolution before adverted to, will not apply to those more complicated problems. But our readers will find a variety of examples of this species of proposition in the 'Philosophical Transactions of the Royal Society of London for 1798,' which were investigated chiefly in the manner above described. It is evident that the application

of such problems to physics does not proceed so far; for we have never yet discovered an example of a central force acting in a curvilinear direction.

The solutions which we have now described, of Kepler's problem, and of several problems of a more general sort, are of a theoretical nature. They exhibit the mode of expressing by curve lines, or imaginary relations of known quantities, the relation required of the quantities given; they rather vary the difficulty, or simplify the relation, than remove the impediments to practical measurement. If it be required to exhibit the anomaly of the eccentric, we may indeed adopt the solution given by Sir Isaac Newton (*Principia*, lib. i. prop. 31, and Schol.), or that hinted at by Kepler himself. The Newtonian solution proceeds upon the description of a cycloid, and an easy construction, by which the point required is found in the intersection of a straight line with the given trajectory. In the volume of the 'Philosophical Transactions' for 1798, a solution is given more directly, by the intersection of a species of a cycloid of easy description with the given curves, without any subsequent construction. But these solutions, though more pleasing and beautiful in theory, are useless, when it is required to exhibit a value of the *abscissa* corresponding to the anomaly of the eccentric, or its supplement, in such a manner that a comparison may be made of this line with some known measure of length. It becomes necessary, in this case, to find a numerical value of the quantity in question. Now, this can only be done by a series; and the two great objects in finding such a series are, first, to give one which may be regulated by a simple law; and, secondly, to give one which may converge rapidly: so that its denominators rapidly increasing, the quantities may soon become so small, as not to deserve attention in our computations.

The approximation given by Mr. Ivory in the paper now before us, deserves the first place among those of which we are in possession, whether we consider its simplicity, universality, or accuracy. The series is of easy management, applies to the most eccentric orbits, as well as to those approaching nearer to the circle, and to all degrees

of eccentricity in the given point, the centre of forces. It has the benefit, too, of a most rapid convergence.

He first gives a very simple and elegant geometrical method of approximation, by an application of the rectangular case of the general problem *de inclinationibus* of the ancient geometers. But as this is by no means satisfactory to the practical calculator (for reasons before assigned), he proceeds next to the algebraic solution.

He begins with investigating the series for the eccentric anomaly when the mean anomaly is a right angle. It converges quickly, and the terms err alternately, by defect and excess, the difference growing continually less and less.

Our author then proceeds to the investigation of a similar series, found in the same manner, for the other cases of the mean anomaly. We should in vain attempt to give our readers a more minute idea of this solution, without a detail as full as the paper now before us. We shall only note an *erratum* that has crept into the twelfth article. After putting $\tan. A = e \times \frac{\sin. \phi}{\cos. \frac{\phi - m}{2}} \times \sec. 45°$, he infers that $\sin. \frac{\psi}{2} = \tan. \frac{A}{2} \times 45°$; it should be $\sin. \frac{\psi}{2} = \tan. \frac{A}{2} \times \sin. 45°$.

Our author next gives two examples of the application of his method to geometric problems, concerning the circle. The one, is to bisect a given semicircular area by a chord from a given point in the circumference. The results of the series which he gives for the eccentric anomaly are as follows:—

Eccent. anom. $= 47° 4'$ (first value, and less than the truth).
,, $= 47° 40' 14''$ (second value, and greater than the truth).
,, $= 47° 39' 12''$ (third value, and less than the truth).

Our readers will, from this example, perceive the excellence of the method; for, whereas the first two terms differ by nearly $36'$, the second and third differ only by $1' 2''$; or, in other words, while, by the two first trials, we come to a

space of above half a degree, in some part of which the point required is to be found; by the second and third trials, we obtain a space of about the sixtieth part of a degree, in some part of which lies the result. By the third term of the series, then, we obtain a solution not more than 31″ distant from the truth, and this in circumstances the least favourable.

The other example is a solution of the problem—"to draw from a point in the circumference two chords which shall trisect the circular area." Here the

Eccent. anom. = 30° 33′ (first value less).
,, = 304° 4′ 11″ (second greater).

Euler's solution (*Analysis*, Inf. XI. 22) differs little more than 30″ from this solution, given by our author's *second* term.

This specimen will sufficiently show to our readers the superior excellency of Mr. Ivory's method. Former analysts have only resolved the case wherein the eccentricity is small: his solution extends to comets as well as planets. For the planets, his rules apply with peculiar accuracy and ease; and his series converges with extreme rapidity; so much so, that we consider the approximation of one term sufficient for practice. He has given a table of the values of the errors (or differences) for the different planets computed in this way. He adds an exemplification for the famous comet of 1682, supposed to be the same which reappeared in 1759. His first approximation for the anomaly of the eccentric, reckoned from the aphelion (16 days 4 hours and 44′ from its perihelial passage), is 173° 51′, and too small. The second approximation is 173° 54′ 36″, exceeding the real eccentric anomaly from the perihelion by only a few seconds.

Our author concludes with showing how a remedy may be discovered for the difficulties, or rather prolixity, arising to his computation, in the cases where the perihelion distance is very small; that is, where the eccentric anomaly, reckoned from the aphelion, is large; and he finds it, from a comparison of the parabolic and elliptic ones, which coincide so nearly in cases of great eccentricity, like those

of the comets. We shall here remark an *erratum* in article 17, which has crept into the left-hand side of the equation: Instead of $y + \frac{y}{3} =$, &c., it should evidently be $y + \frac{y^3}{3} =$, &c. The author will excuse such minute criticism. We address it to our readers, whom we wish to introduce to this admirable tract; and such trifles often discourage young students in the mathematics. For it is scarcely necessary to add, that mathematical reading is no passive exercise of the mind; but requires almost as much labour as mathematical writing.

The application of our author's last correction, deduced from the comparison of the parabolic and elliptic trajectories, to the finding of the heliocentric place, and also the heliocentric distance (or *radius vector* of the cometic orbit), concludes this paper. We have been the more gratified by a perusal of this last branch of Mr. Ivory's inquiry, because the speculations had formerly occurred in a similar form to ourselves. The introduction of the parabola, which admits of quadrature, and of definite solution, so far as regards Kepler's problem, has always appeared to us the surest method of rectifying the computations of the heliocentric places and distances of comets, or of their perihelial eccentric anomalies and *radii vectores*, during the small perihelial part of their trajectories which we are permitted to contemplate. In that part, the eccentric ellipse and the parabola nearly coincide; and, after all, we are not perfectly certain that those singular bodies do not move in orbits strictly parabolic.

*A New Method of expressing the coefficients of the development of the Algebraic Formula* $(a^2 + b^2 - 2\,a\,b\,\cos.\,\phi)^n$, *by means of the Perimeters of two Ellipses, when* $n$ *denotes the half of any odd number; together with an Appendix, containing the Investigation of a Formula for the rectification of an arch of an Ellipse.* By Mr. W. WALLACE, Perth.

THE paper of Mr. Wallace we earnestly recommend to the attention of every reader. We have received the highest gratification from a careful perusal of it; and

acknowledge that we have seen few inventions in this favourite department of study, of which we should so much desire to be the authors. It is impossible to give any satisfactory analysis of this tract. The peculiar conciseness and compactness of the noblest science, to the grasp of which the human powers have aspired, renders all ornament of diction and superfluous reasoning or explanation unknown in its various branches. To enunciate the author's propositions, and to sketch a very general view of the ground over which he carries us, must be the limit of our exertions in a path where all elucidation is rendered unnecessary by its own clearness; all improvement or abridgment impossible, by its own solidity and shortness.

Let $a$ and $b$ denote the heliocentric distances of any two planets from the sun, and $\phi$ the angle of commutation. In computing the effects of the reciprocal influence exerted by the reciprocal gravitations of the planets on each other's motions, we are led to an algebraical formula $(a^2 + b^2 - 2\ a\ b\ \text{cos.}\ \phi)^n$; and it is required to develop this expression, by resolving it into a series of the following structure: $A + B\ \text{cos.}\ \phi + C\ \text{cos.}\ 2\ \phi +$, &c., proceeding by coefficients D, E, F, &c. which are required, and by cosines of a regularly increasing angle of mutation $\phi$. Now, the determining of those coefficients by circles or logarithms (or of A and B, after which the rest are easily found,) has hitherto defied all the resources of mathematical skill; and the series used for this purpose have been found of the most difficult management and slow convergence. Mr. Wallace here presents us with a solution, the result of one of those happy contrivances, which, from their late invention, and admirable simplicity, we might be disposed to ascribe to good fortune, did we not invariably find that they fall to the lot of those only who are possessed of the powers unquestionably required for turning them to good account. Mr. Wallace's method consists in resolving the series into a fluxionary form, and comparing the fluxions with the fluxionary expressions of elliptic arches. The calculus is thus reduced to that of the proportions between elliptic arcs, and the corresponding arcs of their circumscribing circles.

Our author first demonstrates, that A and B being found, C, D, E, &c. may be deduced; and he shows how A and B may be so expressed as to bring their evolution home to the rectification of elliptic arches.

He takes the case of $n = -\frac{3}{2}$, the most usual one in physical astronony (as our readers well know); but $n$ may be any odd number, positive or negative, divided by two, as $-\frac{5}{2}$ (another usual case in astronomy) $+\frac{1}{2}$, &c. Then, let $\pi =$ the semiperimeter of the circle whose radius is unity; $\epsilon = \frac{b}{a}$; $\phi =$ angle of commutation; $a$ and $b$ the heliocentric distances: he shows that $\pi a^3 \mathrm{A} = \int \frac{d\phi}{(1 + \epsilon^2 - 2\epsilon \cos.\phi)^{\frac{1}{2}}}$ and $\pi a^3 \mathrm{B} = \int \frac{2\phi \cos.\phi}{(1 + \epsilon^2 - 2\epsilon \cos.\phi)^{\frac{3}{2}}}$. The fluents increasing as $\phi$ increases from zero to $\pi$; and $e$ being put $= \frac{4\epsilon}{(1+\epsilon)^2}$, he deduces the following equation: $\pi a^3 \mathrm{A} = \frac{1}{(1+\epsilon)(1-\epsilon)^2} \int d\phi \sqrt{1 - c^2 \cos.^2 \frac{\phi}{2}}$. A circle is now taken, whose diameter is $= 2$; and upon this, as a transverse axis, an ellipse is described, whose eccentricity is $= e$. Now, at this point of the process is perceived the jet of our author's invention; for the circular arch being put $= \frac{\phi}{2}$, the fluxion of the corresponding elliptic arch $= \frac{1}{2} d\phi \sqrt{1 - e^2 \cos.^2 \frac{\phi}{2}}$ (which occurs in the value found for A), and when $\phi = \pi$, that is, when the arch $=$ the semiperimeter, then $\int d\phi \sqrt{1 - e^2 \cos.^2 \frac{\phi}{2}} =$ semiperimeter $= \mathrm{E}$; and by resubstitution $\mathrm{A} = \frac{1}{(a+b)(a-b)^2} \times \frac{\mathrm{E}}{\pi}$, the eccentricity $= \frac{2\sqrt{ab}}{a+b}$, and the semiconjugate $= \frac{a-b}{a+b}$.

In like manner, B is found $= \frac{2a}{b} \times \mathrm{A} - \frac{2}{b(a^2-b^2)} \times \frac{\mathrm{E}'}{\pi}$,

E′ being the semiperimeter of a second ellipse, and its semiconjugate $= \sqrt{\frac{a^2 - b^2}{a}}$.

Our author next shows how the ellipses may be chosen of any convenient eccentricity; since, indeed, it is not on absolute, but relative magnitudes of arcs, that his solution depends.

He now gives the substance of his method in plain and simple practical rules for computation, which our readers will easily deduce from the preceding statement. He then discusses the mode of finding a convenient rectification of elliptic arches. Euler's series converges by the powers of the semiconjugate, and answers for cases of small eccentricity: Mr. Ivory's, by the difference of the axes divided by their sum; and this answers for considerably eccentric curves. Our author adds a new method, of infinite ingenuity, and particularly adapted to his present purpose, from its rapid convergence in every possible case, and from its power of expressing the ratios of the ellipses to their circumscribing circles.

The paper concludes with an Appendix, or rather a separate and valuable tract, containing the investigation of a new formula for the rectification of all elliptic arches. We shall only mention the result of this long and skilfully conducted analysis.

Let the semitransverse axis = unity; $e$ = eccentricity; $z$ = any arch reckoned from the extremity of the axis; $\phi$ = the corresponding arch of the circumscribing circle;

$e' = \frac{1 - \sqrt{1 - e^2}}{1 + \sqrt{1 - e^2}}$; $e'' = \frac{1 - \sqrt{1 - e'^2}}{1 + \sqrt{1 - e'^2}}$, &c., so on for $e'''$, $e^{\text{vi}}$, &c. Also $\sin. 2\phi' = \frac{\sin. 2\phi}{(1 + e')\sqrt{1 - e^2 \sin.^2 \phi}} \sin. 4\phi''$

$= \frac{\sin. 4\phi}{(1 + e'')\sqrt{1 - e'^2 \sin.^2 2\phi'}}$, &c., so on for $\sin. 8\phi'''$; $\sin. 16\phi^{\text{iv}}$, &c.; $e$, $e'$, $e''$, &c. approach quickly to zero, and $\phi$, $\phi'$, $\phi''$, &c. to a certain limit $\theta$.

Let $P = (1 + e)(1 + e'')(1 + e''') +$, &c.; $Q = \frac{e}{2} + \frac{e\,e'}{4} + \frac{e\,e'\,e''}{8} +$, &c., and $R = \frac{e(1 + e')}{4} \sin. 2\phi'$

$+\frac{e\,e'\,(1+e')\,(1+e'')}{16}$ sin. 4 $\phi''$, &c.; then our author's proposition is, the arch or $Z = \theta\,P\,(1 - e\,Q) + e\,R$. When $\phi$ = a quadrant, $\theta = \frac{\pi}{2}$, and E being the elliptic quadrant, $E = \frac{\pi}{2}\,P\,(1 - e\,Q)$, and $Z = \frac{2\,\theta}{\pi}\,E + e\,R$. Whence our author deduces *Fagnani's theorem* of assignable differences, and shows the application of his formula to the demonstration of various important transcendental properties of the circle and ellipse formerly known, and to the discovery of new truths of the same kind. He concludes with a numerical calculation, which exemplifies his method of rectification, and proves at once its extreme accuracy and simplicity.

We cannot conclude without expressing our sincere admiration of this excellent performance—excellent in every respect; and, trifling as it may appear to mathematicians, remarkable for a pure, perspicuous, and not inelegant style. It is a paper, equal in our opinion, to whatever has been most admired of the greatest analysts. We remember nothing in the works of Euler or La Grange which belong to a higher class of excellence in this science.

Whilst so much remains yet to be done for the mathematics by all nations, and, to take a more contracted view, while so much is wanting in this country to render us at all fit for competition with the mathematicians of the Continent, any such appearance of high pre-eminence in this line, as we have now been contemplating, delights us—in a degree, we fear, to which we are not likely to be followed by the sympathy of all our readers.

# METEORIC STONES.

(January, 1804.)

*Des Pierres tombées du Ciel, ou Lithologie Atmosphérique, &c. &c.* Par Joseph Izarn, Professeur de Physique, &c. Paris, De la Lain, fils. An XI. (1803). Pp. 427, 8vo.

This work is a collection of all the facts and opinions which have of late years been given to the world with respect to the very singular phenomenon mentioned in the title. M. Izarn's share of merit in the compilation is extremely small. He has only transcribed the statements of others upon the subject, from their own words, when they happened to write in French, and from French translations, when the original was either English or German. He has here and there added a few remarks, of little value; and has given, at the end, a theory of his own, detailed with great prolixity, and fatiguing affectation of accuracy, but in itself by far the most unsatisfactory of any that has been offered, to explain the difficulties of the question. As the labours of chemical inquirers have now greatly augmented the many wonders of this subject, and brought within the range of philosophical discussion, ideas which, a few years ago, were left to the credulous fancy of the vulgar, we shall take the liberty of presenting a connected view of the evidence which has been procured upon this very singular branch of natural history, and a statement of the comparative difficulties which incumber the different theories founded upon that evidence. We wish it to be understood that we offer this sketch as a substitute for M. Izarn's work; because we conceive, that something more was required of him, than a mere transcript of the documents which contain the facts of the case.

The histories of all nations, in early times, abound with

fabulous accounts of natural phenomena. Showers of blood and of flesh; battles of armed men in the air; animals of different descriptions uttering articulate sounds—are a few of the tales which we meet with in the annals of ancient Rome: and the lively imagination of Oriental countries has infinitely varied this catalogue of wonders. Of such incidents, however, it has frequently been found possible to give some explanation consistent with the ordinary laws of nature, after the narratives have been freed from the fictions with which superstition or design had at first mingled them. But it is singular with what uniformity the notion of showers of stones has prevailed in various countries, at almost every period of society; with how few additions from fancy the story has been propagated; and how vain all attempts have proved, to account, by natural causes, for the phenomenon, with whatever modifications it may be credited. Accordingly, philosophers have rejected the fact, and either denied that stones did fall, or affirmed, at least, that if they fell on one part of the earth, they were previously elevated from another. The vulgar have as stedfastly believed, that they came from beyond the planet on which we live; and every day's experience seems now to increase the probability, that in this instance, as in some others, credulity has been more philosophical than scepticism.

There are two methods of inquiring into the origin of those insulated masses which are said to have fallen in different parts of the earth. We may either collect, as accurately as possible, the external evidence, the testimonies of those persons in whose neighbourhood the bodies are situated; or we may examine the nature of the substances themselves, and compare them with the kinds of matter by which they are surrounded. The first mode of investigation is evidently more liable to error, and less likely to proceed upon full and satisfactory *data* than the other. But if both inquiries lead to conclusions somewhat analogous; if both the inductions of fact present us with anomalous phenomena of nearly the same description, and equally irreducible to any of the classes into which all other facts have been arranged, we may rest assured that

a discovery has been made—and the two methods of demonstration will be reciprocally confirmed.

I. The first narrative which has been offered to the world, under circumstances of tolerable accuracy, is that of the celebrated Gassendi. He was himself the eye-witness of what he relates. On the 27th of November, in the year 1627, the sky being quite clear, he saw a burning stone fall on mount Vaisir, between the towns of Guillaumes and Perne in Provence. It appeared to be about four feet in diameter, was surrounded by a luminous circle of colours like a rainbow, and its fall was accompanied with a noise like the discharge of cannon. But Gassendi inspected the supposed fallen stone still more nearly; he found that it weighed 59 lib., was extremely hard, of a dull metallic colour, and of a specific gravity considerably greater than that of common marble. Having only this solitary instance to examine, he concluded, not unnaturally, that the mass came from some neighbouring mountain, which had been in a transient state of volcanic eruption.

The celebrated stone of Ensisheim is not proved to have fallen, by testimony quite so satisfactory; but there are several circumstances narrated with respect to it, which the foregoing account of Gassendi wants. Contemporary writers all agree in stating the general belief of the neighbourhood, that on the 7th of November 1492, between eleven and twelve o'clock, A. M. a dreadful thunderclap was heard at Ensisheim, and that a child saw a huge stone fall on a field sowed with wheat. It had entered the earth to the depth of three feet; it was then removed, found to weigh 260 lib., and exposed to public view. The defect in Gassendi's relation is here supplied; for we have the nature of the ground distinctly described: the natives of the place must have known that in their wheat field no such stone had formerly existed: but the evidence of its having actually been observed to fall is by no means so decisive as that of Gassendi.

Other recitals have been given of similar appearances, but by no means so well authenticated, or so fully examined, although somewhat nearer our own times. In 1672, one of the members of the Abbé Bourdelot's

academy presented at one of the meetings, a specimen of two stones which had lately fallen near Verona ; the one weighed 300, the other 200 lib. The phenomenon, he stated, had been seen by three or four hundred persons. The stones fell in a sloping direction, during the night, and in calm weather. They appeared to burn, fell with a great noise, and ploughed up the ground. They were afterwards taken from thence, and sent to Verona. This account, it may be observed, was published in the same year. Paul Lucas the traveller relates, that when he was at Larissa in 1706, a stone of 72 lib. weight fell in the neighbourhood. It was observed, he says, to come from the north, with a loud hissing noise, and seemed to be enveloped in a small cloud, which exploded when the stone fell. It smelt of sulphur, and looked like iron dross.

M. De la Lande, in 1756, published an account of a phenomenon very nearly resembling the above, but deficient in several points of direct evidence. His narrative, however, deserves our attention, because he seems to have been upon the spot, and to have examined, with great care, the truth of the circumstances which he describes. In September 1753, during an extremely clear and hot day, a noise was heard in the neighbourhood of Pont-de-Vesle, resembling the discharge of artillery. It was so loud as to reach several leagues in all directions. At Liponas, three leagues from Pont-de-Vesle, a hissing sound was remarked ; and at this place, as well as at Pont-de-Vesle, a blackish mass was found to have fallen in ploughed ground, with such a force as to penetrate half a foot into the soil. The largest of these bodies weighed 20 lib. ; and they both alike appeared, on the surface, as if they had been exposed to a violent degree of heat. It may here be observed, that the small depth at which these bodies were found in the ploughed land, renders it in the highest degree improbable that they should have existed there previously to the time of the explosion. To the same purpose, we may remark the complete resemblance of the two masses found at so great a distance from each other.

In the year 1768, no less than three stones were presented to the Academy of Sciences at Paris, all of which

were said to have fallen in different parts of France; one in the Maine, another in Artois, and the third in the Cotentin. These were all externally of the very same appearance; and Messrs. Fougeraux, Cadet, and Lavoisier drew up a particular report upon the first of them. They state, that on the 18th of September 1768, between four and five o'clock in the evening, there was seen near the village of Lucè, a cloud in which a short explosion took place, followed by a hissing noise, without any flame; that some persons about three leagues from Lucè, heard the same sound, and, looking upwards, perceived an opaque body which was describing a curve line in the air, and was about to fall upon a piece of green turf in the neighbouring high-road; that they immediately ran to this place, and found a kind of stone, half buried in the earth, extremely hot, and about 7½ lib. weight. This account of the fact was communicated to the academicians by the Abbé Bachelay. But they do not appear to have attached much credit to the whole circumstances of his narrative; for they conclude (chiefly from several experiments made to analyze it) that the stone did not fall upon the earth, but was there before the thunder-clap, and was only heated and exposed to view by the stroke of the electric fluid.

Of late years, the attention of philosophers has been more anxiously directed to this curious subject; and more accurate accounts of the supposed fall of stones have been collected from various quarters. It is not a little singular that the narrative which, of all others, was supported by the very best and most direct evidence, was treated by naturalists near the spot, with perverse incredulity, until the results of chemical analysis, about ten years after the thing happened, began to operate some change upon the common opinions relating to such matters. We allude to the shower of stones which fell near Agen, 24th July 1790, between nine and ten o'clock at night. First, a bright ball of fire was seen traversing the atmosphere with great rapidity, and leaving behind it a train of light which lasted about fifty seconds; a loud explosion was then heard, accompanied with sparks which flew off in all directions. This was followed, after a short interval, by a fall of

stones, over a considerable extent of ground, at various distances from each other, and of different sizes; the greater number weighing about half a quarter of a pound, but many a vast deal more. Some fell with a hissing noise, and entered the ground: others (probably the smaller ones) fell without any sound, and remained on the surface. In appearance, they were all alike. The shower did no considerable damage; but it broke the tiles of some houses. All this was attested in a *procès-verbal*, signed by the magistrates of the municipality. It was farther substantiated by the testimony of above three hundred persons, inhabitants of the district; and various men, of more than ordinary information, gave the very same account to their scientific correspondents. One of these (M. D'Arcet, son of the celebrated chemist of that name) mentions two additional circumstances, of great importance, from his own observation. The stones, when they fell upon the houses, had not the sound of hard and compact substances, but of matter in a soft, half-melted state; and such of them as fell upon straws, adhered to them, so as not to be easily separated. It is utterly impossible to reconcile these facts with any other supposition, than that of the stones having fallen from the air, and in a state of fusion. That they broke the roofs of houses, and were found above pieces of straw adhering to them, is the clearest of all proofs of their having fallen from above.

Although nothing can be more pointed and specific than this evidence, it yet derives great confirmation from the similar accounts which have still more recently been communicated. On the 18th December 1795, the weather being cloudy, several persons in the neighbourhood of Captain Topham's house, in Yorkshire, heard a loud noise in the air, followed by a hissing sound, and afterwards felt a shock, as if a heavy body had fallen to the ground at a little distance from them. One of these, a ploughman, saw a huge stone falling towards the earth, eight or nine yards from the place where he stood. It was seven or eight yards from the ground when he first observed it. It threw up the mould on every side, and buried itself twenty-one inches. This man, assisted by others who were near

the spot at the same time, immediately raised the stone, and found that it weighed about 56 lib. These statements have been authenticated by the signatures of the people who made them.

On the 17th March 1798, a body, burning very brightly, passed over the vicinity of Ville Franche, on the Saone, accompanied with a hissing noise, and leaving a luminous track behind it. It exploded with great noise, about twelve hundred feet from the ground; and one of the shivers, still luminous, being observed to fall in a neighbouring vineyard, was traced. At that spot, a stone above a foot in diameter was found to have penetrated about twenty inches into the soil. It was sent to M. Sage, of the National Institute, accompanied by a narrative of the foregoing circumstances, under the hand of an intelligent eye-witness.

While these observations in Europe were daily confirming the original but long exploded idea of the vulgar, that many of the luminous meteors observed in our horizon are masses of ignited matter, an account of a phenomenon, precisely of the same description, was received from the East Indies, vouched by authority peculiarly well adapted to secure general respect. Mr. Williams, a member of the Royal Society of London, residing in Bengal, having heard of an explosion, accompanied by a descent of stones, in the province of Bahar, made all possible inquiries into the circumstances of the phenomenon, among the Europeans who happened to be on the spot. He learnt, that on the 19th December 1798, at eight o'clock P.M., a luminous meteor, like a large ball of fire, was seen at Benares, and in different parts of the country; that it was attended with a rumbling, loud noise; and that, about the same time, the inhabitants of Krakhut, fourteen miles from Benares, saw the light, heard a loud thunder-clap, and, immediately after, heard the noise of heavy bodies falling in their neighbourhood. Next morning the fields were found to have been turned up in different spots, which was easily perceived, as the crop was not more than two or three inches above the ground: and stones of different sizes, but apparently of the same substances, were picked out of the moist soil, generally from a depth of six inches. As the occurrence

took place in the night, and after the people had retired to rest, no one observed the meteor explode, or the stones fall; but the watchman of an English gentleman who lived near Krakhut, brought him one next morning, which he said had fallen through the top of his hut, and buried itself in the earthen floor.

Several of the foregoing narratives mention the material circumstance, of damage done to interposed objects by the stones supposed to have fallen on the earth. In one instance, still more distinct traces were left of their progress through the air. During the explosion of a meteor, on the 20th August 1789, near Bordeaux, a stone, about fifteen inches diameter, broke through the roof of a cottage, and killed a herdsman and some cattle. Part of the stone is now in the museum of Mr. Greville, and the rest in that of Bordeaux. It is singular that this fact is not mentioned by M. Izarn, nor by Vauquelin, although he examined a specimen evidently taken from the same stone, and received a *procès-verbal* of the manner in which it fell. We take the account from Mr. Greville's paper (Phil. Trans. 1803, Part I.); and he appears to have received it from M. St. Amand, Professor of Natural History at the Central School of Agen.

It is quite impossible, we apprehend, to deny very great weight to all these testimonies; some of them given by intelligent eye-witnesses; others by people of less information, indeed, but prepossessed with no theory; all concurring in their descriptions, and examined by various persons of acuteness and respectability, immediately after the phenomena had been exhibited. Without offering any farther remarks, then, upon this mass of external evidence, we shall only remind the reader of the main points which it seems satisfactorily to substantiate. It proves, that, in various parts of the world, luminous meteors have been seen moving through the air, in a direction more or less oblique, accompanied by a noise, generally like the hissing of large shot, followed by explosion, and the fall of hard, stony, or semi-metallic masses, in a heated state. The hissing sound, so universally mentioned; the fact of stones being found, unlike those in the neighbourhood, at the spots towards

which the luminous body or its fragments were seen to move; the scattering or ploughing up of the soil at those spots, always in proportion to the size of the stones; the concussion of the neighbouring ground at the time; and, above all, the impinging of the stones upon bodies somewhat removed from the earth, or lying loose upon its surface—are circumstances perfectly well authenticated in these reports; and, when taken together, are obviously fatal to any theory, either of the masses having previously existed in the soil ready formed, and having been disclosed by the electric fluid—or of their component parts having existed there, and having been united and consolidated by that fluid.

II. While the internal evidence on this question, that is, the inference arising from an examination of the stones themselves, agrees most harmoniously with the conclusion to which the narratives above analyzed force our assent, and greatly strengthens that conclusion, it also leads to a farther knowledge of the subject, than the mere external evidence could of itself have afforded us.

The reports from all those who observed the meteors, and found the stones in the neighbourhood, after the explosions, agree in describing those substances as different from all the surrounding bodies, and as presenting, in every case, the same external appearance of semi-metallic matter, coated on the outside with a thin black crust, and bearing strong marks of recent fusion. This general resemblance we should be perfectly entitled to infer from the various accounts of eye-witnesses, even if no more particular observations had been made by men of science, to whose inspection many of the fallen bodies were submitted. But fortunately a considerable number of these singular substances have been examined, with the greatest care, by the first chemists and naturalists of the age; and their investigations have put us in possession of a mass of information, capable of convincing the most scrupulous inquirer that the bodies in question have a common origin, and that we are as yet wholly unacquainted with any natural process which could have formed them on our globe.

M. De la Lande appears to have examined the stones

which fell near Bourg, in the province of Bresse, 1753, with some attention. He remarks their external coating of black vitrified matter, the metallic or pyritical threads interspersed through them, and more particularly the cracks filled with metallic particles. His chemical analysis is very meagre and unsatisfactory; but such as it was, its results, as well as the general observations of external character, corresponded with the inferences drawn by him from a similar examination of the stone which fell in 1750, near Coutances, in Normandy, at the distance of three hundred and sixty miles from Bourg.

The external appearance of the three stones presented to the Academy of Sciences, as having fallen in different parts of France during the year 1768, was precisely the same. But Messrs. Lavoisier, &c., the committee appointed to examine them, performed the chemical analysis with much greater accuracy and fulness than M. De la Lande, who was no chemist, had done. That which fell in the Maine, and was presented by the Abbé Bachelay, underwent the most careful process. It was found to contain, of sulphur, 8½ *per cent.*; iron, 36; and vitrifiable earth, 55½. It must be remarked, however, that this decomposition was effected by means of experiments performed upon an integral part of the whole stone, considered as a homogeneous substance; whereas, it is in fact a congeries of substances which ought to have been separately analyzed. This consideration will, in part at least, enable us to account for the apparent discrepancy between the results obtained by the academicians and those of later experimentalists. Messrs. Lavoisier, &c., also examined particularly another stone, said to have fallen in a different part of France, and obtained very nearly the same results. The only difference was, that it did not give out sulphurated hydrogenous gas when acted upon by the muriatic acid; a peculiarity distinctly observable in the other substance.

The description which Professor Barthold gives of the external character of the stone which fell near Ensisheim, in the fifteenth century, corresponds exactly with the descriptions given of these stones, and of the ores examined

by M. De la Lande. The results of this analysis are somewhat different; but he examined the whole heterogeneous compound, and not the parts separately. He concluded, that this mass contained 2 *per cent.* of sulphur, 20 of iron, 14 magnesia, 17 alumina, 2 lime, 42 silica. Mr. Howard has very justly remarked, that the Professor's own account of his experiments is at variance with the idea of lime being contained in the substance; and that he has given no sufficient proof of the existence of alumina. It is also to be observed, that from the exceptionable method of analysis pursued both by Barthold and the academicians, the metallic particles were not examined with sufficient precision. The specific gravity of the stones examined by the academicians was to that of water, as 3535 to 1000. The specific gravity of the stone of Ensisheim, as tried by Barthold, was 3233; that of the stone examined by Gassendi (who saw it fall) was 14, common marble being 11; and, taking the specific gravity of marble to that of water, as 2716 to 1000, the specific gravity of the stone observed by Gassendi will be to that of water as 3456 to 1000. So near a coincidence between observations, made at such a distance of time, upon these various substances, cannot fail to strike us as very remarkable, and to prepare us for that fuller demonstration of their identity, which was reserved for the labours of our countryman, Mr. Howard.

This excellent philosopher has elucidated the subject of our present consideration, by a course of experiments as interesting and instructive as any that the science of chemical analysis can boast of. He fortunately obtained specimens of the stones which fell in several very distant quarters of the globe; at Benares, and in Yorkshire (as we have already described); near Sienna, and in Bohemia, according to evidence not altogether so satisfactory as that upon which the other narratives rest.

He began his inquiries, very judiciously, by a minute examination of the external mineralogical characters of these four substances; and in this part of his task he was indebted to the learning and expertness of the Count de Bournon. The substances were found to resemble each other very closely in their general appearance, and in the

nature of their component parts. The chief difference consisted in the different proportions in which the same component parts were combined, so as to form the aggregate of the heterogeneous masses. Their specific gravities were nearly the same, unless that the abundance of iron in one of the masses caused a considerable increase of its gravity. It may contribute to the formation of a precise estimate, if we present, in one view, the results of the experiments made to measure the specific gravities of the most remarkable specimens hitherto examined. The four last in the list were calculated by the Count de Bournon. The specific gravity of water being 1000,

| | | | |
|---|---|---|---|
| That of the | Ensisheim stone | is - - - | 3233 |
| „ | Gassendi's[1] | „ - - - | 3456 |
| „ | Bachelay's[2] | „ - - - | 3535 |
| „ | Yorkshire | „ - - - | 3508 |
| „ | Sienna | „ - - - | 3418 |
| „ | Benares | „ - - - | 3352 |
| „ | Bohemia | „ - - - | 4281 |

All the stones examined by Count de Bournon and Mr. Howard were found to consist of four distinct substances: small metallic particles; a peculiar martial pyrites; a number of globular and elliptical bodies, also of a peculiar nature; and an earthy cement surrounding the other constituent parts. It was only the stone from Benares that Mr. Howard could separate into its constituent parts, with sufficient accuracy, and in sufficient abundance, for a minute analysis of each. He found, however, that the nature of the metallic particles was the same in all; they were in each case an alloy of iron and nickel. In the pyrites of the Benares stone, nickel as well as iron was detected; and the easy decomposition of the pyrites by muriatic acid, in all the specimens, afforded a distinguishing character of this substance. The globules in the Benares stone contained silica, magnesia, and oxides of nickel and iron; the earthy cement consisted of the same substances, very nearly in the same proportions. In the other stones, these globules could not be easily separated from the cement and pyrites. Mr.

[1] Found in Provence. [2] Found in the Maine.

Howard, therefore, after freeing the aggregate as well as possible from the metallic particles, and several of the globules, was obliged to satisfy himself with analyzing the heterogeneous mass. Still the composition appeared wonderfully to agree with that of the basis and globules of the Benares stone; as the following Table, which we have collected from Mr. Howard's experiments, and reduced to the parts of a hundred, will clearly evince.

| | Oxide of Nickel. | Oxide of Iron. | Magnesia. | Silica. |
|---|---|---|---|---|
| Stone from Benares . {Globules . . | 2·5 | 34· | 15· | 50· |
| Stone from Benares . {Cement . . . | 2·5 | 34· | 18· | 48· |
| Stone from Yorkshire. Basis, *i. e.* earthy cement, with some globules and the pyrites deprived of its sulphur . . . | 1·3 | 32· | 24·6 | 50· |
| Stone from Sienna. Basis . . . . . | 2· | 34·6 | 22·6 | 46·6 |
| Stone from Bohemia. Basis . . . . | 2·7 | 42·7 | 17·2 | 45·4 |

About the time that Mr. Howard was engaged in these interesting researches, and before he had published the result of them, M. Vauquelin happened also to be occupied with the very same subject. He analyzed, though by a different process, the Benares stone, and two others which fell in 1789 and 1790 in the South of France. The results of his experiments agreed with those of our distinguished countryman in every particular; and we are now entitled to conclude, with perfect confidence, that the stones which have at different times fallen upon the earth, in England, France, Italy, and the East Indies, are precisely of the same nature, consisting of the same simple substances arranged in similar compounds, nearly in the the same proportions, and combined in the same manner, so as to form heterogeneous aggregates whose general resemblance to each other is complete. We are further warranted in another important inference, that no other bodies have as yet been discovered on our globe which contain the same ingredients; and, more particularly, that the analysis of these stones has made us acquainted with a species of pyrites not formerly known, nor anywhere else to be found.

The general analogy between these stones and the masses

of native iron found in different parts of the world, was too striking to escape the eminent inquirers who have investigated this subject. They resemble each other in their external character, though not by any means so closely as the stones; but in one circumstance of their chemical composition they have a remarkable similarity, both among themselves, and towards the stony substances. M. Proust, a considerable time before the date of Mr. Howard's discoveries, had proved that the enormous mass of native iron found in South America, contained a large portion of nickel in its composition. Mr. Howard was led to the same conclusion by analyzing another portion of this body; and he found that the solitary masses discovered in Siberia, Bohemia, and Senegal, contained a mixture of the same metal with iron, though in various proportions. The Bohemian iron is an alloy, of which nickel forms eighteen parts in the hundred; in the Siberian iron, it forms seventeen; and in the Senegal iron, five or six. But what is still more striking, and tends to place the similarity of their origin beyond all doubt, the Siberian mass is interspersed with cavities, containing an earthy substance of the very same nature as the earthy cement and globules of the Benares stone; nay, the proportions of the ingredients, according to Mr. Howard's analysis, are nearly alike, if we except that of the oxide of iron, which is considerably smaller in the Siberian earth. This curious fact excites the strongest prepossession in favour of the idea, that the Siberian iron owes its origin to the same causes which formed and projected the different stones supposed to have fallen on the earth; and, coupled with the other details of the analysis, it naturally leads us to conclude, that the masses of native iron, as they are called, differ in no respect from the metallic particles, or the alloy of iron and nickel, which constitute one of the four aggregate parts in every stone hitherto examined.

It may be remarked, that, excepting the tradition of the Tartars respecting the fall of the Siberian iron from heaven, no external evidence has been preserved to illustrate the origin of those masses of native metal which have been analyzed by chemists. A tolerably authentic testimony

has, however, lately been found, to prove the fall of a similar body in the East Indies. Mr. Greville has communicated to the Royal Society (Phil. Trans. 1803, Pt. I.), a very interesting document, translated from the Emperor Tchangire's Memoirs of his own reign. The Prince relates, that in the year 1620 (of our era), a violent explosion was heard at a village in the Punjaub, and during the noise, a luminous body fell from above on the earth. That the amnil (or fiscal officer) of the district immediately repaired to the spot where the body was said to have fallen, and having found it to be still hot and not burnt up, caused it be dug up; when the heat increasing, he at last came to a lump of iron violently hot; that this was sent to court, where the emperor had it weighed in his presence, and ordered it to be forged into a sabre, a knife, and a dagger; that the workmen reported that it was not malleable, but shivered under the stroke; and that it required to be mixed up with one-third part of common iron, when the mass was found to make excellent blades. The royal historian adds, that upon the incident of this *iron of lightning* being manufactured, a poet presented him with a distich, purporting that, "during his reign, the earth attained order and regularity; that raw iron fell from lightning, and was, by his world-subduing authority, converted into a dagger, a knife, and two sabres."

The exact resemblance of the occurrence here related, in all its essential circumstances, to the accounts of fallen stones formerly detailed, and the particular observation upon the unmalleable nature of the iron, give, it must be confessed, a very great degree of credibility to the whole narrative, and bestow additional weight on the inference previously drawn from internal evidence, that the solitary masses of native iron found in different quarters of the globe, have the same origin with the stones analyzed by Vauquelin and Howard.

We have now gone through the whole evidence, both with respect to the circumstances in which these singular bodies are found, the ingredients of which they are compounded, and the outward appearance and structure which they exhibit: we are next to consider the inferences

respecting their probable origin, which this mass of information may warrant us to draw.

Independent of the distinct negative which the external evidence gives to any such conclusions, we are fully entitled to deny that these bodies are formed in the ground by lightning, or existed previously there, both from their exact resemblance to each other in whatever part of the earth they have been found, and from their containing substances nowhere else to be met with. It cannot surely be imagined, that exactly in those spots where fire, of some unknown kind, precipitated from an exploded meteor, happened to fall, there should exist certain proportions of iron, sulphur, nickel, magnesia and silica, ready to be united by the heat or electricity. Still less conceivable is it, that in every such fall of fire, those ingredients should first combine, by twos and threes, in the very same manner, and then that the binary and ternary compounds should unite in similar aggregates. But, least of all is it reasonable to suppose, that bodies formed in the earth should, upon being dug up, be found enveloped in a crust different from the rest of their substance, and bearing evident marks of having undergone the action of heat in contact with the air.

The same unquestionable resemblance which prevails among all these bodies, and, still more, the peculiar nature of the pyrites which they contain, prove very clearly that they have not a volcanic origin. Even if such an hypothesis were liable to no other objection, it would be inadmissible on this ground, that we know of no volcano, which throws up so small a portion of matter, and so uniformly of the same kind. But though we were to admit the existence of this volcano, where must we place it, that its eruptions may extend from Bengal to England, France, Italy, and Bohemia; nay, from Siberia to Senegal and South America? And if we are forced to admit the existence of a series of such volcanoes, which are known to us only by these peculiar effects of their eruptions, do we not acknowledge that we are compelled to imagine a set of causes, without any other foundation for our belief in them, than our occasion for their assistance in explaining

the phenomenon? In short, do we not account for one difficulty, by fancying a greater? But if it is alleged that the stones come from volcanoes already known, we demand, what volcano exists in the Peninsula of India, or in England, or in France, or in Bohemia? And if it is said that these bodies are projected by Hecla, Ætna, Vesuvius, to all manner of distances, we must ask, whether this is not explaining what is puzzling, by assuming what is impossible? It is surely much better to rest satisfied with recording the fact, and leaving it under all its difficulties, than to increase its wonders by the addition of a miracle.

The same remark may be extended to those who have fancied that the constituent parts of the stones exist in the atmosphere, and are united by the fire of a meteor, or by the electric fluid. We have no right to make any such hypothesis. We have never seen iron, silica, nickel, in the gaseous state. These bodies may, for aught we know, be compounds of oxygen and azote or hydrogen, &c.; but as yet we have no reason to think so. Besides, he who amuses us with this clumsy and gratuitous explication, will probably account for every other phenomenon by a similar process of creation: He may, with equal plausibility, conceive the earth to be formed by a union of burnt gases, and then cover it with vegetables, and people it with living creatures, by a few more conflagrations and explosions. Such, however, is the theory most heavily expounded by M. Izarn—spun, with tiresome and unprofitable industry, into cobwebs, which touch every fact, without catching it—and enveloped in the mist of general logical positions, which faintly conceal the fundamental postulate—an entire act of creation.

From the whole, we may safely infer, that the bodies in question have fallen on the surface of the earth, but that they were not projected by any volcanoes, and that we have no right, from the known laws of nature, to suppose that they were formed in the upper regions of the atmosphere. Such a negative conclusion seems all that we are, in the present state of our knowledge, entitled to draw. But an hypothesis may perhaps suggest itself, unincum-

bered by any of the foregoing difficulties, if we attend to the following undoubted truths.

As the attraction of gravitation extends over the whole planetary system, a heavy body, placed at the surface of the moon, is affected chiefly by two forces; one drawing it towards the centre of the earth, and another drawing it towards that of the moon. The latter of these forces, however, is beyond all comparison greatest at or near the moon's surface. But as we recede from the moon, and approach to the earth, this force decreases, while the other augments; and at one point between the two planets these forces are exactly equal—so that a heavy body, placed there, must remain at rest. If, therefore, a body is projected from the moon towards the earth, with a force sufficient to carry it beyond this point of equal attraction, it must necessarily fall on the earth. Nor would it require a very great impulse to throw the body within the sphere of the earth's superior attraction. Supposing the line of projection to be that which joins the centres of the two planets, and supposing them to remain at rest; it has been demonstrated, on the Newtonian estimation of the moon's mass, that a force of projection moving the body 12,000 feet in a second, would entirely detach it from the moon, and throw it upon the earth. This estimate of the moon's mass is, however, now admitted to be much greater than the truth; and upon M. De la Place's calculation, it has been shown that a force of little more than one half the above would be sufficient to produce the effect. A projectile, then, moving from the moon with a velocity about three times greater than that of a cannon ball, would infallibly reach the earth; and there can be little doubt that such forces are exerted by volcanoes during eruptions, as well as by the production of steam, from subterranean heat. We may easily imagine such cause of motion to exist in the moon, as well as in the earth. Indeed, several observations have rendered the existence of volcanoes there extremely probable. In the calculation just now referred to, we may remark, that no allowance is made for the resistance of any medium in the place where the motion is generated. In fact, we have every reason to

believe, from optical considerations, that the moon has no atmosphere.

A body falling from the moon upon the earth, after being impelled by such force as we have been describing, would not reach us in less than two days and a half. It would enter our atmosphere with a velocity of nearly 25,000 feet in a second; but the resistance of the air increasing with the velocity, would soon greatly reduce it, and render it uniform. We may remark, however, that all the accounts of fallen stones agree in attributing to the luminous bodies a rapid motion in the air, and the effects of a very considerable momentum to the fragments which reach the ground. The oblique direction in which they always fall, must tend greatly to diminish their penetrating power.

While we are investigating the circumstances that render this account of the matter highly probable, we ought not to omit one consideration, which lies wholly in the opposite scale. The greater part of these singular bodies have first appeared in a high state of ignition; and it does not seem easy to conceive how their passage through so rare a fluid as the atmosphere could have generated any great degree of heat, with whatever rapidity they may have moved. Viewing, as we do, the hypothesis of their lunar origin as by far the most probable in every other respect, we will acknowledge that this circumstance prevents us from adopting it with entire satisfaction. And while we see so many invincible objections to all the other theories which have been offered for the solution of the difficulty, we must admit that the supposition least liable to contradiction from the facts, is nevertheless sufficiently exceptionable, on a single ground, to warrant us in concluding with the philosophical remark of Vauquelin, "Le parti le plus sage qui nous reste à prendre dans cet état des choses, c'est d'avouer franchement, que nous ignorons entièrement l'origine de ces pierres, et les causes qui ont pu les produire."

If, however, a more extensive collection of accurate observations, and a greater variety of specimens, shall enable us to reconcile the discrepancy, and to push still farther our inquiries into the nature of the new substance,

a knowledge of the internal structure of the moon may be the splendid reward of our investigations. And, while the labours of the astronomer and optician are introducing new worlds to our notice, Chemistry may, during the nineteenth century, as wonderfully augment our acquaintance with their productions and arrangement, as she has already, within a much shorter period, enlarged our ideas of the planet which we inhabit.

# DAVY'S DISCOVERIES.

(JANUARY, 1808.)

*The Bakerian Lecture on some Chemical Agencies of Electricity.* By HUMPHRY DAVY, Esq., Sec. R. S., M. R. I. A., Prof. Chem. R. I.

(*From the Phil. Trans. for* 1807. Part I.)

IT is no small proof of Mr. Davy's natural talents and strength of mind, that they have escaped unimpaired from the enervating influence of the Royal Institution; and indeed grown prodigiously in that thick medium of fashionable philosophy. The paper now before us is by far the most important addition which his labours have yet made to the stock of physical science; it contains one or two discoveries of considerable intrinsic value, and opens a field of research almost new and altogether unbounded. He has, since the publication of it, if we are not misinformed, begun to enter upon this field, and has been rewarded for his toil and ingenuity, by the most brilliant discovery which has adorned the annals of chemistry from the foundation of the new theory to the present day. As soon as his own account of these experiments is given to the world, we shall call the attention of our readers to it. In the meantime, it will both prepare the way for examining that discovery, and allay somewhat of the impatience which they, in common with ourselves, cannot avoid feeling, until the details of it are made known, if we endeavour to make them acquainted with the substance and merits of the present communication.

The first set of experiments described in this paper was instituted with a view to ascertain, with greater accuracy than had hitherto been attained, the sources of the acid and alkali observed to be produced when distilled water is

submitted to the action of the galvanic fluid. Mr. Davy, with several of our best chemists, had ascribed this phenomenon to certain impurities in the water, and ingredients in the composition of the glass and the conductors; a position which others of inferior note had denied. The question is now discussed in a very satisfactory manner; and, we may say, completely set at rest. We cannot pretend to follow the train of the experiments, but shall endeavour to give a general outline of them.

Two cups, tubes, cones, or other vessels capable of containing water, and made of various substances successively, were connected together by films of pure amianthus (asbestus), and connected with the positive and negative ends respectively of the pile of Volta, by means of platina wires. The pile was a strong one, generally consisting of one hundred or one hundred and fifty plates of zinc and copper, six inches square, and moistened with alum, or alum and diluted sulphuric acid. The water in the vessels being exposed to the action of this pile, after a certain time became acid in the positive vessel, and alkaline in the negative. When the vessels were of glass, the alkali was much greater in quantity (about twenty times) than when they were of agate. The same process, too, in the latter case, being repeatedly tried with the same cups, though the acid continued to be abundantly produced on the positive side, the quantity of the alkali was diminished greatly on the negative tube. Still, however, some was produced; and, after several repetitions of the process, the quantity continued stationary, being extremely small, though perceptible. It was natural, therefore, to suspect the water of having some alkaline impurities. The process was now repeated with small vessels of pure gold, and in ten minutes the negative vessel had attained its maximum of alkali; for the action being continued for fourteen hours, while the water in the positive vessel became constantly more acid, the water in the negative side was not sensibly changed; and after three days more had elapsed, the acid became still stronger, the alkali remaining as before. By evaporating a quart of the same distilled water, seven-tenths of a grain of solid matter were obtained, consisting of nitrate

of soda, and nitrate of lead, the latter apparently from the still. The galvanic experiment was then repeated in agate vessels much used, and in gold vessels, with the water thus purified by evaporation; and no alkali was produced in the negative vessel. The substances of the vessels being varied, different acids and alkalis were produced in the opposite sides of the circuit. Thus wax tubes gave for the acid matter, a mixture of sulphuric, muriatic, and nitric acids; for the alkaline, soda and potash; and Carrara marble gave lime-water continually, and at first a mixture of lime-water and fixed alkali. But in all the experiments nitrous acid was produced in the positive side, constantly to the end of the process; and a small quantity of ammonia was regularly formed in the negative side, at the beginning of the process. For the purpose of rendering still more indubitable the inference to which all these experiments point, the process with purified water in golden vessels was performed during many hours in the receiver of an air-pump, exhausted sixty-four times; and then in a receiver filled with hydrogen gas. In neither case was there the smallest particle of alkali produced; in the former, there was a most minute portion of acid; in the latter none whatever.

Nothing, certainly, can be more satisfactory than the result which all these most elaborate experiments concur in pointing out; and we may conclude with perfect confidence, that wherever an acid, or an alkaline matter is produced by subjecting water to the action of the galvanic fluid, the latter of these bodies is evolved, either from the impurities of the water, or from the materials of the vessels; and the former from the vessels, or the impurities of the water, or the union of one of the constituent parts of the water with the azote or nitrogen which it has absorbed from the air. And the only case in which an alkali is really formed, is where ammonia results from the union of the hydrogen of the water with the azote dissolved in it.

There is one fact common to every one of these experiments, which indeed had attracted some attention from the first application of galvanism to chemical inquiries, but was never placed in so striking and steady a light as by the

processes just now analyzed. We allude to the uniform and exclusive appearance of the alkali, where any was evolved, at the negative surface; and of the acid at the positive surface. Mr. Davy's first set of experiments being made with a view to explain what effects certain impurities and extraneous substances produced on water in the galvanic circuit, had no immediate or direct reference to the action of the fluid on these substances, which were, indeed, accidental to the different processes. But the observation of the fact now mentioned, naturally led him to examine more fully the laws of this action, by exposing to it a variety of known substances. He began with a set of experiments upon insoluble bodies, containing large quantities of acid and alkaline matter, repeating, in fact, the process so often referred to, with two cups made successively of sulphates of lime, strontites, and barytes, and fluate of lime, connected together either by pieces of the same earths, or by asbestus. The water in the positive cup, was always, as the process went on, mixed with more and more sulphuric or fluoric acid; and in the negative cup, it was uniformly converted into lime-water, or had a mixture of strontites, or a crust of barytes, carbonated by the contact of the atmosphere. Insoluble substances, containing very minute portions of acid and alkali, were next exposed to a similar process; and the negative side uniformly extracted the alkali, the positive side the acid, be the quantities ever so small. Soluble bodies were then examined in like manner, being subjected to the galvanic fluid in agate cups, and dissolved in pure water. The separation here went on much more rapidly, but it followed the same rules. The negative cup contained a solution of alkali, or a deposit of earth or metallic crystals, according to the compound neutral employed; the positive cup uniformly contained a great excess of acid; a muriatic salt gave oxymuriatic acid in the positive cup. The stronger the solution exposed in these experiments, the quicker was the change produced; but the smallest portion of acid and alkali was always detected; and the separation, at the end of the process, was as complete as at first.

Two foreign chemists of reputation, Messrs. Hisinger

and Berzelius, had made an experiment, in which muriate of lime being exposed in the positive side of a siphon, and pure water in the negative, the action of the galvanic fluid made lime appear in the water. So extraordinary a discovery, merited every degree of attention. Mr. Davy immediately pursued it, upon the plan of his former experiments. His first inquiry was into the manner of the passage here remarked, through a menstruum not chemically attracting the substance which passed over. An agate cup, for example, filled with water, was connected with a cup of sulphate of lime, by moistened asbestus: if the former was positively electrified, acid soon came over; if negatively, lime came over. Metals and metallic oxides passed over to the negative cup, like alkalis and alkaline earths; and, in one beautiful experiment, where nitrate of silver was placed in the positive side, the amianthus between the cups appeared covered with a thin silver film. The transfer went on slower, in proportion to the body of water through which it was performed: when the wires were only an inch asunder, sulphuric acid came over from sulphate of potash in five minutes; nor was contact with either electrified surface, necessary in these experiments. A vessel of solution of muriate of potash, being connected by amianthus with two glass tubes filled with water, the one negatively, the other positively electrified, by degrees, the alkali went over into the former, and the acid into the latter. But one of the most singular parts of this process, is, that the acid and the alkali, in passing from one vessel to another, through any intermediate body of water, or over the surface of the amianthus, do not change the vegetable colours in their way, except in so far as they come in contact with them at the positive and negative sides respectively; *e. g.*, the acid passes over the negative portion of a solution of litmus without reddening it; and the alkali does not render turmeric brown by passing over it at the positive side.

A considerable step had now been made from the point at which our author had set out. He had satisfactorily ascertained the regular decomposition of bodies containing acids united with alkaline or metallic bases; the constant

preference of the acid for the positive side, and of the alkaline or metallic base for the negative; and the actual transfer by perceptible motion of those substances from one part to another of the electrical circuit; circumstances which had been vaguely remarked by former observers. But he now was led a step further, and perceived a phenomenon perfectly different in kind from anything which their experiments had made known. He found, that the action of the acids and alkalis on vegetable colours was suspended by the electrical state of those bodies; and that the influence of chemical affinity, in this instance at least, was superseded by the powers of electricity: for on what, but chemical affinity, does the action of salts upon colours depend? This singular fact, however, deserved a more careful examination, and obviously suggested a set of experiments upon the influence of electricity in various other processes of elective attraction.

The same general form of experiment was here again employed. Two glass tubes were connected with the positive and negative wires of the pile, and each was connected with a third vessel by films of amianthus. In the third vessel various substances were successively placed, having a known chemical affinity for the component parts of the substances in the two tubes; and those parts were made to pass through the contents of the third vessel, by the action of the galvanic fluid. Thus, sulphate of potash being placed in the negative tube, distilled water in the positive, and ammonia in the middle vessel, the action of the pile sent the acid over into the water, and through the ammoniacal solution, in a longer or a shorter time in proportion to the strength of that solution. When it was weak, the acid would tinge the water in five minutes; but, even through the most saturated lixivium, it never failed to come in a certain time. The other acids passed in the same manner; and by a similar process the alkalis and alkaline earths were sent through the acids according to the like rules; only that strontites and barytes passed with very great difficulty through sulphuric acid, and transmitted sulphuric acid with proportionate slowness, and in very small quantities. When the acids and alkalis were passed

through neutral salts in the intermediate vessel, the alkali of the latter soon appeared in the negative tube, and the passage of the alkali from the positive tube went on slowly, sometimes never being completed; as when it united with the remaining acid of the intermediate vessel and formed an insoluble compound, which fell immediately down beyond the sphere of the electrical action. Thus barytes could not be transmitted through sulphate of potash, though the galvanic process brought it from muriatic acid in the positive, to the sulphuric acid in the intermediate vessel, and at the same time brought the potash from the intermediate into the negative vessel. Animal and vegetable substances were quickly decomposed in similar experiments; and their constituent parts either separated pure, or recombined with other bodies exhibited to them, according to the general rules which the salts and metals follow.

A few experiments only were necessary to demonstrate, that in all the processes now described, the matter, or energy, or galvanism, or whatever it may be called, which operates in the pile of Volta, is identical with common electricity. Our author produced several of the same decompositions and transfers, by means of a powerful electrical machine, in the same manner as with the galvanic pile. "It will be a general expression" (says Mr. Davy) "of the facts that have been detailed, relating to the changes and transitions by electricity, in common philosophical language, to say that hydrogen, the alkaline substances, the metals, and certain metallic oxides, are attracted by negatively electrified metallic surfaces, and repelled by positively electrified metallic surfaces; and, contrariwise, that oxygen and acid substances are attracted by positively electrified metallic surfaces, and repelled by negatively electrified metallic surfaces; and these attractive and repulsive forces are sufficiently energetic to destroy or suspend the usual operation of elective affinity." He thinks it further proved by his experiments, that a chain of homogeneous particles is kept up from one surface to another, along the circuit, by means of the electrical energy; for he observed, that so long as any of the matter

transferred remained in the vessel, the chain of particles of that matter existed all along the circuit, and was only destroyed, or drawn over into the other vessel, after the first reservoir had been exhausted. That successive compositions and decompositions take place while substances pass through solutions of neutral salts, he conceives, is rendered very probable, by the impossibility of completely bringing over such substances as form heavy compounds in their way, and fall down, so as to escape the limits of the electrical circuit.

The inquiries of our author are next directed to trace the analogy between the singular phenomena above described, and other known facts relating to the electrical changes superinduced in different bodies by their mutual contacts, and the tendencies to unite which opposite states of electricity may create. The various experiments which he instituted upon this subject, are incapable of a general abridgement. We shall observe, that he found that the acids and alkalis, which could be exhibited in a solid state, gave plain indications of negative and positive electricity, respectively, upon being brought in contact with metallic plates. Thus, boracic acid, being touched with an insulated copper plate, became negative, and left the plate positive; lime, on the other hand, being treated in the same way, was positive, and the plate negative. Mr. Davy is disposed, from these and similar considerations, to conjecture, that the chemical affinities of bodies depend on their natural state of electricity; that some being always, when in their natural state, positively, and others negatively electrified, the two classes combine in consequence of this; that when their natural electricity is augmented, their tendency to unite is increased, and that this tendency is destroyed by an electrization of a contrary, and, as it were, an unnatural kind. Thus, an acid and an alkali having opposite electricities, unite readily; if their degrees of electricity are nearly equal in opposite directions, they unite with the greater force; if those degrees of electricity are made stronger artificially, these bodies combine still more readily; if they are artificially reversed, and the acid made positive, and the alkali negative, no union is pro-

duced. Of the general theory thus hinted at, it is no small confirmation, that perfectly neutral salts show no symptoms of either positive or negative electricity; and that bodies having very strong degrees of opposite electricity, are restored to equilibrium, with an evolution of heat, and even of light and heat; while bodies show a similar phenomenon, when their union is effected by means of chemical action. It may likewise be observed, that Guyton de Morveau found the mechanical adhesion of the metals to mercury was in proportion to their chemical affinity with it. Mr. Davy, admitting this to have been established by his experiments (though we wish he had repeated and varied them himself, as they were liable to a serious objection),[1] remarks, that it supports his hypothesis; for he finds those metals which, in Mr. Guyton's experiments, adhered most strongly to the mercury, are those which charge a condensing electrometer most highly.

Mr. Davy's paper concludes with a number of ingenious and important observations on the general inquiries to which his experiments lead, the phenomena which they enable us to explain, and the more practical uses to which they may hereafter be applied. As this branch of the discourse consists of a series of detached remarks, we shall not attempt to analyze it.

We have thus introduced our readers to the important facts recorded in Mr. Davy's very interesting communication. Satisfied that the experimental investigation itself is the most material part of the work, that we are as yet only on the verge of a much wider field, and that the facts already within our reach are insufficient for the foundation of a general theory, we have deemed it proper to confine

[1] Mr. Davy hints at this in a note, observing "that amalgamation must have interfered, but that the *general* result seems distinct." If we remember right, the polished plate of metal was let down upon the surface of mercury from one end of a delicate balance, and the weight necessary to draw it up from the contact was marked. It is clear that there must have been a chemical union at the common surface, where the metal used had a considerable affinity with mercury.—The employment of mercury is itself a suspicious circumstance. Polished plates of solid metal cohere strongly,—and why does the comparative trial not answer here?

our attention almost exclusively to a history of the subject, in so far as it is before us; and, without entering into any discussion of the hypothesis struck out by Mr. Davy, or even of the inferences which he is entitled to draw, we have reserved for a more mature branch of the Inquiry, whatever we may have to deliver on these heads. In so doing, we have indeed only followed our author's own example; for nothing is more praiseworthy in his treatise, than the caution and modesty with which he ventures to suggest, rather than lay down, his theoretical opinions; and he uniformly keeps them in the background, applying himself almost exclusively to the accumulation of facts, and repeatedly admitting that the time for theorizing is not yet come. Even at present, however, and while awaiting, with impatience, the continuance of his investigations, we may be permitted to express the delight which we have received from his strict and patient induction. The chain of experiments by which he removes all the difficulties and obscurity that hitherto hung over the changes produced in water by galvanic action, is surpassed by no inquiry of the kind, in modern times, for closeness, copiousness, and minute accuracy. The examination of it gives us an irresistible disposition to confide in all the other processes of the author, which he passes over more hastily, or only refers to in general terms. The felicity with which he seizes and follows up the loose hints thrown out by other inquirers, and pursues also the various paths opened incidentally by his own preliminary course of experiments, must take away all the envy one might be apt to feel towards a person who, without so excellent a title, had, by happy chances, made such a progress in valuable discovery as has rewarded his labours. Whatever Mr. Davy has done in this Inquiry, and all the more wonderful things which he has since accomplished, are the fair fruits of the industry and ability shown in the painful researches above analyzed. We shall wait with some impatience, until the rest of his galvanic experiments are laid before the public; and shall then gladly resume the discussion, for the sake both of continuing our account of his progress, and of entering into an examination of the general reasonings.

(July, 1808.)

*The Bakerian Lecture on some new Phenomena of Chemical Changes produced by Electricity, particularly the Decomposition of the Fixed Alkalis, and the Exhibition of new Substances which constitute their Bases, and on the general nature of Alkaline Bodies.* By Humphry Davy, Esq., Sec. R.S., M.R.I.A.

(*From Phil. Trans. for* 1808. Part I.)

In a former article, we laid before our readers an account of the very interesting course of experiments which Mr. Davy had made upon the mutual actions of galvanic electricity and chemical bodies; and we hinted, that it was generally understood, that in pursuing the same train of investigation, this ingenious and indefatigable inquirer had made some of the most wonderful and important discoveries which modern times have to boast of. It now gives us infinite satisfaction to fulfil the promise then made, of recurring to the subject as soon as possible, and continuing the history of this excellent chemist's proceedings. He has detailed them very minutely in the paper now before us, which we consider as the most valuable in the Philosophical Transactions, since the time when Sir Isaac Newton inserted, in that celebrated collection, the first account of his optical discoveries. We certainly do by no means intend to compare the two works for their general importance, and much less for their merits. Newton created his tools, as well as the system which he reared by their aid. Chance had nothing to do with his labours. He did not merely try things to see what would follow; he was carried on by the most subtle ingenuity, and a sagacity never bestowed on any other man, through a chain of reasoning and observation, which, had he stopped at any point, no man, whatever his industry might have been, could have continued a step further. Mr. Davy owes

much to his indefatigable industry, and his knowledge of the subject; but he owes a great deal more to the powerful instrument which former discoveries put into his hands. Any man possessed of his habits of labour, and the excellent apparatus of the Royal Institution, could have almost insured himself a plentiful harvest of discovery. And, while no one can read a single proposition in either of Sir Isaac Newton's great works, without being stopped at every turn to admire the transcendent genius of the author, it is very possible to read Mr. Davy's whole paper, and admit that he has made greater discoveries than any man has done since the days of Newton,—and yet to find nothing which deserves the name of genius in the whole compass of the investigation. We throw out these things from no invidious motive, but merely from a desire to reduce things to their proper level, and just proportions; and to qualify a little of that excessive admiration which has lately been excited by Mr. Davy's discovery, not unnaturally, we confess, but very extravagantly, and as usually happens in such cases, to the great detriment of sober inquiry.

In describing the result of Mr. Davy's last course of experiments (which, by the way, though it led to less remarkable results, showed more ingenuity and dexterity than the present), we explained the very singular property of Galvanism, which these experiments brought to light. It appeared that, when the electric fluid is sent through a circle, in which part of the circuit is a compound of acid and alkali, a decomposition takes place, the acid always being transferred towards the positive part of the chain, the negative part attracting the alkali. A certain affinity seemed always to subsist between oxygen and the positive electricity, and an inflammable basis and the negative side. The effects of the fluid in operating decomposition, were proportioned to the strength of the opposite electricities, and to the concentration and conducting power of the compound body. With these *data*, furnished chiefly by his former experiments, our author proceeded to subject the fixed alkalis to the most intense action of the galvanic pile.

He first tried an aqueous solution, made as strong as possible. This he exposed to the combined action of three great batteries, one of 24 plates of 12 inches square, another of 100 plates of 6 inches, and the third of 150 of 4 inches, being a total of almost 1500 inches of metallic plates. But, although this produced a great action, it only decomposed the water with violent heat and effervescence. He then tried the alkalis fused by heat, and without success; for it seemed evident, that the fusion and action must come both at once from the electricity. Accordingly, having slightly moistened the surface of perfectly dry potash, so as to render it a conductor, he placed it on an insulated disc of platina, connected with the negative wire, and placed the positive wire upon the upper surface of the potash. A remarkable action now ensued; the salt fused at the wires, at the lower surface, without any effervescence; but, at the upper, with violent effervescence. At the lower surface, however, small globules like quicksilver were perceived to emerge, as the process went on, and many of them burnt with explosion and a bright flame; others, without explosion, became soon covered with a white crust on continuing exposed to the action of the air. The same phenomena were produced, when, instead of platina, other metals, as copper, gold, &c., were used, or plumbago, and even charcoal. The metallic globules, therefore, had nothing to do with the disc or wire employed; and the experiment was equally independent of the air, for it succeeded just as well in an exhausted receiver. Soda, when treated in like manner, exhibited similar results; but it was more stubborn, and required a much stronger electrical action. The globules, too, obtained from it were neither so fusible nor so inflammable; they were melted and burnt, however, by the heat produced in the course of the experiment. In both cases, the gas evolved at the upper or positive surface of the alkali, was found to be pure oxygen gas; nor was any given out at the negative surface, where the globules were formed, unless a superabundance of water existed there. When, on the other hand, one of the metallic globules was exposed, either to common air or oxygen

gas, containing moisture in solution, a white film speedily was formed, which attracted moisture as it increased in thickness, and in a short time the whole globule was converted into this film, and dissolved. The solution from the potash globules was always found to be pure potash; those from the other, pure soda. When the air in which the globules are exposed is perfectly free from moisture, the process goes on imperfectly; for the crust which is first formed, remaining solid, defends the interior of the globule from the action of the air. When heat is applied, and the globules are exposed to oxygen gas in a close tube, they burn with great rapidity, and a brilliant white flame; the gas is absorbed; no other gas is given out; and the oxide which remains is a pure alkali.

Such is the decisive and most satisfactory evidence by which it is ascertained that the fixed alkalis are compounds of oxygen and metallic bases,—that they are in truth metallic oxides. Their metals are substances hitherto quite unknown to chemistry; and Mr. Davy, as might easily be imagined, lost no time in examining their peculiar properties. It is unnecessary to detail the various experiments which he made for this purpose. We shall only follow him over the heads of this extensive and interesting subject. Our author first describes the properties of the base of potash; next, those of the base of soda; and then he investigates the proportions in which the oxides, that is, the two alkalis, contain their metallic bases and oxygen. We shall reverse this order, and consider first the proportions in the compositions.

In order to ascertain the proportion of oxygen to metal in the alkalis, Mr. Davy employed this form of experiment. He introduced a small tray of gold, silver, and platina, into a tube connected at one end with a pneumatic apparatus and gasometer, and at the other drawn to a point, but suffered to remain open. Upon the tray, metallic globules of known weight were placed; the tube was filled with oxygen until the whole common air was expelled; it was then hermetically sealed at both ends; and heat being applied to the glass near the tray, the globule was burnt. The tube was then opened under water, or mercury, and

the absorption ascertained. According to the result of one experiment, made with great accuracy, 100 grains of potash contain 86·7 of metal, and 13·3 of oxygen. And, according to another trial of the same kind, 100 grains contain 85·5 of metal, and 14·5 of oxygen; the mean of the two being 86·1 of metal and 13·9 of oxygen. Soda, in like manner, consists of 80 grains metal, and 20 oxygen, in 100 of alkali. The decomposition of water by the metallic bases, afforded another approximation. This gave, for potash, 84 parts metal to 16 oxygen, in the hundred; and for soda, 76 *per cent.* metal and 24 *per cent.* oxygen. Comparing these leading experiments with the mean results of a variety of others, our author infers, as a general medium of the whole, that potash contains about *six* parts of metal to *one* of oxygen; and soda about *seven* parts of metal to *two* of oxygen.

In examining the properties of the new bodies which these brilliant discoveries make us acquainted with, no small difficulty is experienced from their violent attraction for the constituent parts of almost all other substances. For oxygen in particular (and almost every substance contains it), they have so much greater an affinity than any other bodies hitherto discovered, that they not only become speedily oxidated, and changed back again to alkalis in the open air, but even in almost every fluid in which they are plunged for the purpose of preserving them. After repeated trials, Mr. Davy found that naphtha, recently distilled, answered his object better than anything else; and the globules, when taken from thence, were covered with a thin transparent film of the fluid, which defended them from the action of the air, and at the same time allowed an accurate examination of their physical qualities. We should first note the qualities of the basis of potash. It resembles mercury so exactly in its appearances, that it is not possible to distinguish by the eye a globule of the one metal from a globule of the other, when they are laid together. The fluidity of the potash metal, at the temperature of 60°, is considerably smaller than that of mercury; but at 100° its fluidity is perfect; at 50° it is malleable, and at 32° is crystallized. It is an

excellent conductor of electricity, and requires a red heat to distil it, that process not at all altering it. Its specific gravity is its most singular property. At 40° of Fahrenheit it swims in naphtha, the lightest of fluids; its specific gravity is to that of water as six to ten; it is, therefore, by much the lightest fluid in nature. When combined with an undue proportion of oxygen, it forms a grey substance, which, when fluid, is red brown. This is formed by fusing dry potash with the metallic base; and exposure to the air giving it the complement of oxygen, brings it all back again to the state of potash. When introduced into oxymuriatic acid gas, it burns spontaneously with a bright flame, and makes muriate of potash. In hydrogen gas, with heat, it dissolves; the compound gas explodes upon exposure to common air, and deposits the metal on cooling. When thrown into water at the common temperature, it instantaneously deflagrates; and a white ring of smoke frequently follows the flame, as in the combustion of phosphurets. When the water is in a close vessel and there is no contact of air, the decomposition is equally rapid, but without light, and pure hydrogen gas is evolved. A globule, placed upon ice, burns with a bright flame, leaving a hole in it full of solution of potash. It discovers and decompounds the smallest portions of water, in alcohol and ether, even when previously purified with the greatest care. In sulphuric acid, it rapidly seizes upon the oxygen, leaving sulphur half oxidated, and sulphate of potash. In nitrous acid, it forms nitrate of potash, and evolves nitrous gas. With phosphorus and sulphur, it forms phosphurets and sulphurets, which, on exposure to the air, become phosphates and sulphates. It amalgamates with mercury; and the amalgam being exposed to the air, potash is formed, and the mercury left pure. With other metals it unites also, and the compound being thrown into water, is speedily decomposed; potash and hydrogen being formed, and the metal precipitated. It decomposes the watery particles, or the air, which are found in oils long exposed, and precipitates a brown soap. It readily acts upon glass, forming an imperfect oxide with the alkali, which, by degrees, is fully alkalized when exposed to the air.

In many of its essential properties, the basis of soda resembles the very singular metal which we have just now described. But it is considerably less fusible, and its specific gravity is greater. It melts at 120° of Fahrenheit, and is quite fluid at 180°. Its specific gravity is to that of water as *nine* to *ten* nearly. It decompounds air and water, but without any luminous appearance. It acts on the acids in the same way, but without any light, except on the nitrous acid. In other respects it exactly resembles the basis of potash.

Having detailed the properties of the two new metals, and their manner of combining with oxygen so as to form the fixed alkalis, the ingenious author proceeds to offer some general observations on what he terms the relations of those metals to other bodies; by which it turns out, that he only means to discuss the point of their classification and nomenclature. He first asks, whether they should be considered as metals or not? And having very properly determined this in the affirmative, notwithstanding their small specific gravity, which, as he observes, is not a sufficient reason for neglecting their various metallic properties, he names them *Potassium* and *Sodium*,—names, as he remarks himself, more significant than elegant; but we are greatly relieved at finding them no worse. A report had reached us, of *Sodagen* and *Potagen* having been propounded by high chemical authority. It was even hinted that Mr. Tennant leaned towards such a nomenclature; and persons were not wanting who apprehended, that, in this courtly age, some terms might be introduced complimentary to the best of Sovereigns, and the purity of Church establishments. We well knew no such thing was ever long listened to by the discoverer himself, whose political sentiments are as free and as manly as if he had never inhaled the atmosphere of the Royal Institution. But it was well to be relieved from all such alarms by the event; and having accidentally gotten upon a point, in which science is sometimes disgracefully blended with politics, let us make a step further to express our abhorrence of the spirit in which some sycophants have lately dared to profane the commonwealth of letters, by the in-

troduction of courtly and national prejudices. It is understood, that the French Sovereign has, either by himself, or through the Institute, awarded a prize to Mr. Davy for his wonderful discoveries; and some men have been time-serving enough to cry out against his accepting honours from the "*merciless foe*,"—"*the usurper*,"—"*the enemy of civilized society*," and we know not how many other names. We have always kept in the view of our readers, that the commonwealth of science is of no party, and of no nation. It is a pure republic; and it is always at peace. Its shades are disturbed neither by domestic malice nor foreign levy. They resound with no cries of faction, or of public animosity. Falsehood is the only enemy their inhabitants ever pursue; — Truth, and her minister, Reason, the only leaders they follow; and whoever would break the equality, or disturb the tranquillity of those sacred haunts, deserves to be chased out of civilized society, as aiming at the destruction of the only pure, dignified, innocent feature —the only remnant of the Divine origin—which bad passions have left in the character and conduct of men.

Having ascertained, that oxygen formed the common principle in the fixed alkalis, Mr. Davy was disposed to question whether it did not also exist in ammonia, although no notice had been taken of it; and upon attending to the experiments of Berthollet and others, by which ammonia was decomposed, he saw no reason to conclude that oxygen might not exist there in a small proportion, and disappear, by forming water in the course of the process. He therefore commenced a series of experiments which speedily removed all doubt on this head. Having prepared a perfectly pure piece of charcoal, he ignited it in a small quantity of perfectly pure ammoniacal gas, by a galvanic battery; and a substance was collected on the sides of the tube, which effervesced with muriatic acid, and was probably carbonate of ammonia. Pure ammoniacal gas was then passed over ignited iron wire, in a platina tube; the gas being first passed through a refrigeratory, before touching the wire, and then through another refrigeratory, after it had gone over the wire, and before it reached the last receiver. No moisture was formed in the first refrigera-

tory; but a sensible quantity of water was deposited in the second. After passing and repassing the gas frequently over the wire, the wire had gained $\frac{1}{10}$ parts of a grain; $\frac{1}{10}$ths of a grain of water were deposited; and 33·8 cubic inches of gas were expanded into 55·3, containing a mixture of hydrogen and nitrogen gases, in the proportion of 3·2 to 1· in volume. From other experiments on the decomposition of ammonia, in which some loss is always found after collecting the hydrogen and nitrogen gases, Mr. Davy infers, that it contains about *seven* or *eight per cent.* of oxygen. This body may therefore, as he observes, be considered as the principle of alkalescence; with as much reason as the French have made it the principle of acidity.

This very valuable paper concludes with some general remarks and notices respecting the alkaline earths. Analogy would lead one naturally to suspect, that they are similar to the alkalis in their constitution. In the communication now before us, Mr. Davy has only mentioned the results of some experiments which tend to verify this conjecture, in the cases of barytes and strontites. When these bodies are heated red hot, and combined with a very small quantity of boracic acid (without which they are not conductors), the galvanic battery produces an evolution of inflammable matter, which burns with a deep-red light at the negative surface. The heat prevented Mr. Davy from collecting this substance; but there can be little doubt of its being the basis of the earths. Further experiments have, we understand, enabled Mr. Davy, since the date of this paper, both to decompose, in a satisfactory manner, the two earths in question; and also to show, that the other alkaline earths are oxides of highly combustible metals. We hope soon to see the history of those researches; and can scarcely entertain any doubt, that other bodies, hitherto deemed simple, or, if suspected to be compound, yet never analyzed, will speedily yield to the powers either of the highly inflammable metals now discovered, or of that most singular agent by which this discovery has been made. Mr. Davy has already decomposed carbonic acid by means of those metals; and

has oxidated them by muriatic acid, though without collecting the results. We are sure every chemist now expects to see this acid, as well as the fluoric, soon classed under the general law of oxidation, applicable to all other saline bodies. It is by no means improbable that charcoal itself, hitherto regarded as the most refractory of all substances, may be decomposed by the new instruments; and that the means of obtaining it pure, and even crystallized, shall at last be found;—a discovery which, as our readers well know, would enable art to vie with nature in the fabrication of her most valuable produce.

Until we have the good fortune to possess Mr. Davy's account of his recent experiments on the alkaline earths, we must defer all remarks suggested by the brilliant train of discoveries analyzed in the foregoing pages. The season for theorizing will come best, after we have still further extended our view of the facts.

(January, 1809.)

*Electro-Chemical Researches on the Decomposition of the Earths; with Observations on the Metals obtained from the Alkaline Earths, and on the Amalgam procured from Ammonia.* By Humphry Davy, Esq., Sec. R.S., M.R.I.A.

(*From the Phil. Trans. for* 1808. Part II.)

We had the satisfaction of introducing to the knowledge of our readers, in two former Numbers, the ingenious and elaborate series of experiments by which Mr. Davy was led to the discovery of some new properties of electricity, and, by their means, to the decomposition of the fixed alkalis. These discoveries, by far the most striking for their novelty, and the most important for the further views which they open, of any that have been made since the new theory was established, have attracted the notice of chemical inquirers in this and in other countries: and although the miserable state of public affairs has prevented them from exciting so general an interest, and producing as large a harvest as they must have done had they fallen on happier times, a considerable progress has nevertheless been made, both by the discoverer himself and those whom his successful researches set in motion, even during the short interval which has elapsed since we last brought the subject under review. The chemists of France have most unexpectedly found that the decomposition of the alkalis is much easier than was at first imagined, and that it may be effected by other ways than the electric agency. The Swedish philosophers have accomplished a discovery yet more surprising—perhaps of all the late results, the most unlooked for—the metallic nature of ammonia, and consequently of the two gases which constitute that alkali. Mr. Davy has, in the meanwhile, pursued his brilliant course of investigation with almost uninterrupted success,—and has added to the knowledge which he formerly gave

us of the fixed alkalis, that of the principal earths. The decomposition of these bodies being attended with greater difficulty, and requiring a more complicated and powerful apparatus than is necessary for the resolution of the alkalis, our author has not brought all his experiments to what he deems the utmost pitch of accuracy and precision. But, because he sees no prospect of soon obtaining the requisite machinery, he most wisely and meritoriously gives them to the world in their present state,—"preferring," to use his own expressions, "the imputation of having published unfinished labours, to that of having concealed any new facts from the scientific world, which may tend to assist the progress of chemical knowledge." We certainly do not mean to detract anything from the praises due to such disinterested conduct, when we say that Mr. Davy can abundantly afford to share his ample revenue of discoveries with his less fortunate brethren.

The galvanic battery being applied to lime, strontites and barytes, in the same manner as it had been to the alkalis, a decomposition was observed to take place. Gas was evolved, and metallic globules were produced in contact with the negative wires. But this process could not be completed so as to show the nature of the products in a satisfactory manner. Potassium (the basis of potash) being heated in contact with alkaline earths, seemed to act upon them; but this experiment did not appear to effect their decomposition. Mixtures of potash with the same earths, acted upon by the galvanic battery, showed signs of decomposition. Metallic bodies were produced less fusible than potassium, burning immediately after their formation, and reproducing the mixture of alkali and earth employed. But much more satisfactory results were obtained by exposing to the battery mixtures of the earths and metallic oxides. The presence of the metal greatly assists the operation; and an alloy is produced at the negative point, consisting of the metal reduced, and the metal of the earth likewise freed from its oxygen. The alloy, when exposed to air or water, reproduces the earth by oxygenation; but still, from the proneness of these new metals to unite with the wires of the battery, and to burn almost as

soon as they were formed, sufficient quantities could not be obtained for the purposes of examination; and our author was engaged in repeating and varying his attempts to effect the decomposition more easily, when he received a letter from Professor Berzelius of Stockholm, stating that he and Dr. Pontin had completed the process with great ease, by exhibiting negatively electrified mercury to barytes and lime. Mr. Davy repeated this process with signal success; and he does not withhold from it the praise which its ingenuity deserves. He applied it likewise to strontites and magnesia; with the former, it succeeded more easily than with the latter:—but in all these cases, an amalgam is formed of mercury with the metallic basis of the earth; and this amalgam again gives earth and mercury, when exposed to the air or to the action of water. The process he found to be greatly facilitated by using muriates or sulphates of the earths, instead of the simple earths.

By combining this method of the Swedish chemists with his own, formerly described, Mr. Davy obtained, in considerable quantities, the amalgams of mercury and the bases of the earths. He placed on platina a mixture of the earth and oxide of mercury;—in this mixture he made a cavity, wherein he poured a globule of mercury,—and, covering the globule with a film of naphtha, he made the platina positive, and the globule negative:—it was speedily converted into the amalgam required. This was exposed to strong heat in a glass tube, in order to expel the mercury; but our author scarcely ventures to assert that he ever completely succeeded in separating the two substances. He seems to have come nearest his object in the case of barytes; and to have failed most with lime. Of none of these metallic bases did he obtain a sufficient quantity for a satisfactory examination of their physical and chemical properties. They seem in general to resemble one another;—they are solid, except at high temperatures;—they are much heavier than water,—have a high metallic lustre, resembling that of silver; and require a considerable force to flatten them. When exposed to oxygen they absorb it greedily, and return to their native earths respectively. "These new substances," says Mr. Davy, "will demand

names; and, on the same principles as I have named the bases of the fixed alkalis, potassium and sodium, I shall venture to denominate the metals from the alkaline earths *barium*, *strontium*, *calcium*, and *magnium*. The last of these words is undoubtedly objectionable; but magnesium has been already applied to metallic manganese, and would consequently have been an equivocal term."

Our author next directed his inquiries to the constitution of other earthly bodies,—silex, alumine, zircone, and glucine, but with much less success. He pursued his experiments indeed with unremitting perseverance, and with his usual ingenuity; but, although he has related them at some length, and although the recital is highly valuable to future experimenters, we shall not follow it any further than to add, that there seems reason to infer that the earths in question have, like the alkaline earths, metallic bases; and we are confident Mr. Davy's future researches will both establish this point as satisfactorily as he has demonstrated the other, and will give us the same knowledge of the properties of the new bases.

The last object of research was suggested to our author by a very important experiment of the Swedish chemists, formerly mentioned. These ingenious philosophers found, that mercury, placed in contact with a solution of ammonia, and negatively electrified, expands in volume, and becomes a soft solid;—that this solid, on exposure to air, absorbs oxygen, and reproduces ammonia and mercury;—that water is decompounded by it, giving out hydrogen gas, and leaving solution of ammonia and mercury. The conclusion naturally drawn from this curious experiment was, that ammonia is, as Mr. Davy himself had formerly supposed, an oxide with a double basis, composed of hydrogen and nitrogen; but it seems to show also, that this double basis possesses *metallic* properties. So unexpected a light could not fail to attract the quick and discerning eyes of our author; and he lost no time in pursuing the track into which it plainly led him. His first repetition of the Swedish experiment suggested a very material improvement on it—the substitution of neutral salt of ammonia, whereby the deoxygenation and amalgamation are

effected in the nascent state of that alkali, and are, consequently, more easily performed. His process was thus the same with that formerly described for deoxygenating the earths; only, that instead of sulphates or muriates of those earths, he exhibited muriate of ammonia. "The action," says he, "of the quicksilver on the salt was immediate. A strong effervescence with much heat took place. The globule in a few minutes had enlarged to five times its former dimensions, and had the appearance of an amalgam of zinc; and metallic crystallizations shot from it as a centre, round the body of the salt. They had an arborescent appearance; often became coloured at their points of contact with the muriate; and, when the connexion was broken, often disappeared, emitting ammoniacal fumes, and reproducing quicksilver." Carbonate of ammonia gave the same result; only that a manifest decomposition of the acid, and production of carbonaceous matter, accompanies the other phenomena in this case. The bases of the alkalis and earths, united with mercury, and exhibited in this state to ammonia, supplied the place of electricity, and formed an amalgam of the bases of ammonia and mercury. A little of the basis here used for the purpose of deoxygenating the ammonia, adhered to it in the amalgam; but, independently of this consideration, our author seems to think, that the experiment in question unites more of the ammoniacal basis to mercury, than the process of deoxygenation by electricity. He does not mention, though we must presume that, in this ingenious and beautiful experiment, the fixed alkalis or earths are reproduced.

The singular amalgam discovered by the Swedish chemists, may thus be obtained with great ease, either by the agency of electricity, or by double elective affinity. But our author preferred the former method, because it is not attended with the admixture of any third substance, giving the amalgam composed solely of mercury, and the bases of ammonia. Having procured a sufficient quantity of it in this way, he examined it by various simple and satisfactory trials. Its principal properties are the following. At 70° or 80° this body has the consistence of butter;—at the freezing point it hardens and crystallizes;—it is not quite three

times heavier than water. In water, it absorbs oxygen, causing hydrogen gas to be evolved. In air, it likewise absorbs oxygen; and, in both cases, ammonia and quicksilver are reproduced. In sulphuric acid, it becomes coated with sulphate of ammonia and sulphur. Sixty grains of mercury are amalgamated by $\frac{1}{200}$ part of a grain of the compound basis, or $\frac{1}{12000}$ of the weight of the mercury. The very small proportion in which the basis thus unites with mercury, opposes an obstacle to the separation of the two bodies, and the exhibition of the basis of ammonia, which all Mr. Davy's industry and skill have not been able to surmount: for, so very minute a portion of oxygen is sufficient to regenerate the ammonia, and so greedily does the basis attract oxygen, wherever it may be found, that no manipulation has hitherto been attempted, in which, either by means of moisture, air, or some other body containing oxygen, a reproduction of the ammonia did not take place, notwithstanding every precaution. We refer our readers to the paper itself, for an interesting narrative of the trials made by the ingenious and persevering author, to attain the highly important object in question. The difficulties which frustrated his endeavours, are all resolvable into the general statement just now given; and we have great hopes that they will hereafter be overcome, either by this indefatigable inquirer himself, or by some other chemists, whom his highly commendable publication of his experiments, in their present state, may lead to happier results.

Mr. Davy concludes his valuable paper with some general speculations concerning the theory of alkaline and earthy bodies, as elucidated by the discoveries which we have just now, and on two former occasions, considered. His observations are always ingenious; and whatever comes from so great a discoverer, one so strict in his experimental investigations, and so successful in generalizing them, ought to be received with singular respect. Nevertheless, we shall not follow him through the whole of his queries and reflections, highly useful as they are likely to prove. We shall only state what we conceive to be the legitimate inferences from his experiments, and then notice

a few of his most prominent observations. It is clearly proved, that the fixed alkalis, and the alkaline earths, are metallic oxides; and the proportion of their bases are nearly as well ascertained as those of several metals known for ages to philosophers, and in common life. That alumine, zircone, glucine, and silex, are also metallic oxides, seems highly probable; but their decomposition has not yet been so completely effected as to render this point altogether certain; and, respecting the metals which seem to constitute their bases, we can scarcely be said to know anything with precision. It is demonstrated, that ammonia is a compound of oxygen, with hydrogen and nitrogen; and that when the oxygen is removed, the hydrogen and nitrogen are capable of entering into a true chemical union with mercury, forming a substance in all respects similar to the amalgams of that body with other metals. It is highly probable, that the hydrogen and nitrogen are united together as a chemical compound, which thus unites with mercury; and that the same compound unites with oxygen to form ammonia. The appearance of amalgamation, as well as the analogy of the other alkaline bodies, leads us to suspect that this compound basis is truly of a metallic nature, and that the volatile, like the fixed alkalis and the alkaline earths, is a metallic oxide; but this basis has not yet been separately exhibited. Such, in general, is the state of our knowledge upon the constitution of the alkalis and earths, as extended by the late wonderful discoveries; and such is the line to be drawn between what we have strictly learnt as physical truths, and what we have been taught to conjecture upon evidence of a lower nature than that of legitimate induction.

The last of these wonders, the constitution of ammonia, gives rise to various hypotheses. To account for the phenomena of amalgamation with mercury and reproduction of the alkali, three different theories have been stated. Mr. Davy himself seems to think it possible, that hydrogen and nitrogen are both metals, aëriform at common temperatures, as zinc and mercury are when ignited. Mr. Berzelius suggests, that they may be simple bodies, not metallic, but forming a metal when united, without oxy-

gen; and an alkali, when united and oxygenated. Mr. Cavendish has submitted a third conjecture, that these gases, in their common form, may be oxides, which, when further oxygenated, become metallic. Of these hypotheses, or rather queries, (for it would be unfair to the distinguished and truly philosophical authors of them, if we did not remind our readers that they have only been thrown out as hints for future investigation,) we should prefer the last; at least, in point of beauty and simplicity, it seems to have some advantage. But the season, we trust, is not far distant, when we shall be enabled to try their comparative merits by another and a higher criterion.

The singular facts which abound in the decomposition of ammonia, appear to strike Mr. Davy as capable of leading to some degree of scepticism respecting the phlogistic and antiphlogistic theories; but he clearly shows that they leave the latter in a much better state than the former. He thinks them not easily reconciled to either; but with less difficulty to the antiphlogistic theory. "If," says he, "we assume the phlogistic hypothesis, then we must assume, that nitrogen, by combining with one-fourth of its weight of hydrogen, can form an alkali, and, by combining with one-twelfth more, can become metallic. If we reason on the antiphlogistic hypothesis, we must assert, that though nitrogen has a weaker affinity for oxygen than hydrogen (has), yet a compound of hydrogen and nitrogen is capable of decomposing water." And he proceeds to show that the latter difficulty is the lesser one; and though he thinks it cannot be wholly removed, it may yet be diminished by chemical analogies; for example, by the superior inflammability of certain compounds, and the greater oxidability of alloys. We confess, that, to us, this difficulty seems by no means greater than several others not alluded to by Mr. Davy; and we advert more particularly to the case of nitrous gas. Nitrogen, by combining with a certain proportion of oxygen, acquires so great an attraction for more oxygen, that it takes it from nitrogen. Here is the very difficulty stated by our author, as involved in the antiphlogistic explanation of the decom-

position of ammonia; with this difference, that it is rather more hard to conceive how nitrogen with oxygen should take oxygen from nitrogen, than it is to conceive how nitrogen with hydrogen should take oxygen from hydrogen. The difficulty, we presume, is generally explained by saying, that the various degrees of latent heat contained in the same body vary its elective affinities. In fact, this difficulty belongs to a class of phenomena by no means of small extent. Carbon, for example, takes oxygen from phosphorus in reducing phosphoric acid; and phosphorus decomposes carbonic acid. In like manner, sulphur reduces the oxides of several metals, which, in their reguline state, decompose sulphuric acid. We are far from saying that these phenomena are unattended with difficulty, on whichever theory we attempt to explain them. We would only suggest, that the discovery of the Swedish chemists, and its extension by Mr. Davy, has added no new difficulty to the list, and offers no new anomaly to the modern theory.

Besides the experiments which form the body of the paper now before us, there are various important facts introduced incidentally. We have already noticed the decomposition of carbonic acid by the electric agency. There are some very interesting experiments on the constitution of the muriatic acid, which we trust may hereafter lead to a full solution of that problem. A long and curious note is also given upon the discovery of Messrs. Gay-Lussac and Thenard, that the alkalis may be decomposed by the action of iron in a state of ignition;—a new example, by the way, of the difficulty above mentioned; for potassium and sodium easily reduce the oxides of iron. But we should give a very unsatisfactory account of this curious matter, were we to take it at second hand. We hope to be able, in our next Number, to lay before our readers an abstract of the history of the discovery from the authors themselves.

(July, 1809.)

*The Bakerian Lecture. An Account of some new Analytical Researches on the Nature of certain Bodies, particularly the Alkalis, Phosphorus, Sulphur, Carbonaceous Matter, and the Acids hitherto undecompounded; with some general Observations on Chemical Theory.* By Humphry Davy, Esq., Sec. R.S., F.R.S., Ed. and M.R.I.A.

(*From the Phil. Trans. for* 1809. Part I.)

*An Account of some Experiments, performed with a view to ascertain the most advantageous Method of constructing a Voltaic Apparatus for the Purposes of Chemical Research.* By John George Children, Esq., F.R.S.

(*From the same Work.*)

Having made it a rule to follow the progress of Mr. Davy's inquiries, from their commencement two years ago, we hasten to pursue this very agreeable task, by continuing the history of his experiments, published since our last Number. The paper now before us contains fewer complete processes—fewer discoveries satisfactorily established, than any of the former ones;—but it abounds in elaborate and ingenious experiments, the results of which, in their present state extremely interesting, are yet more so, as paving the way for further research, and scattering thickly the seeds of most important improvements in chemical science.

Before proceeding to Mr. Davy's paper, we shall mention that of Mr. Children, which forms a proper introduction to it. He compared the effects of two voltaic batteries, the one consisting of a small number of large plates, the other composed of a great number of small plates, and having altogether a much smaller surface of metal. The former consisted of twenty pair of large plates, and had a surface of 92,160 square inches; the latter of two hundred pair of small plates, and had a surface of only 3200 square

inches. Their batteries were both excited by diluted nitrous and sulphuric acids mixed together. The *intensity* of the electricity produced by the large battery was so small, that it did not affect the electrometer; and it acted very feebly upon non-conductors in general. Its *quantity*, however, was great; and its action on perfect conductors very powerful. The small battery produced an electricity much more intense, and capable of acting violently upon imperfect conductors. Thus, it affected the electrometer, and decomposed potash and barytes, which the other did not effect. But Mr. Children does not seem to have tried its action upon metallic wires. Of these, the large battery easily fused such as were not easily oxidable, and consequently were good conductors. Mr. Children, however, compared its action, in this respect, with the action of a battery of 1250 four-inch plates. The large plate battery fused eighteen inches of platina wire; the small plate battery only half an inch, which is evidently by no means in the ratio of their surfaces.[1] This is certainly a curious fact; although the author appears rather to generalize too quickly and too confidently, when he lays down from his experiments the following proposition. "The absolute effect," says he, "of a voltaic apparatus, seems to be in the compound ratio of the number and size of the plates; the intensity of the electricity being as the former, the quantity given out as the latter." The practical rule, however, which he deduces from hence, appears to be quite well founded. "Regard," he observes, "must be had, in constructing the battery, to the purposes for which it is designed. For experiments on perfect conductors, very large plates are to be preferred; a small number of which will probably be sufficient: but, where the resistance of imperfect conductors is to be overcome, the combination

[1] Mr. Children makes some mistake, when he says that, according to this ratio, the small battery should have fused nearly 14 inches instead of half an inch. If, by a battery of 1250 plates, he means one of so many pairs of plates, the ratio of the surfaces is about that of 20 to 23; and the lesser should have fused about 15 inches and a half. If he means single plates, then the ratio is that of 10 to 23; and only about eight inches should have been fused. We presume he means pairs of plates.

must be great, but the size of the plates may be small; but if quantity and intensity be both required, then a large number of large plates will be necessary." For general purposes, four-inch plates are most convenient: they should be joined together only in one point, and moveable in the trough, which should be made entirely of Wedgewood's ware. It is, we believe, with an apparatus constructed in this manner, that several of the experiments of Mr. Davy, which we are about to analyze, were performed.

The first object to which our author directs his attention, is the mutual action of potassium and ammonia. The experiments on this subject were made with that metal obtained by the action of ignited iron upon potash, in the process discovered by the French chemists. The potassium was exposed on a platina tray, introduced into a retort of plate-glass, which was first exhausted, then filled with hydrogen, and exhausted again—then filled with pure ammoniacal gas. All impurities arising from oxides, water, &c. were thus as much as possible avoided. Potassium exposed in this manner to ammoniacal gas, becomes slightly covered with a film of potash, and a small quantity of hydrogen gas is found in the ammoniacal gas. But if heat is applied (by bringing a spirit-lamp under the bulb of the retort where the tray is placed), a crust is formed of greater thickness, which changes from white to blue, and then to olive. The heat being continued, the crust and metal fuse together, with an effervescence; the crust passes off to the sides, and the metal appears; it is again covered; and so on, until it is wholly converted into the dark olive-coloured substance. In this process part of the ammoniacal gas disappears and hydrogen gas is evolved: the quantity of the former which disappears, varies with the moisture of the gas; but the quantity of hydrogen evolved is in proportion to the quantity of potassium operated upon. The dark-coloured substance is chiefly distinguished by its fusibility; it melts at a heat somewhat higher than that of boiling water. When burnt in oxygen, it absorbs that gas, emits nitrogen, and leaves a residuum of potash and water. When plunged in water, it produces much heat and

even inflammation; and disappears with effervescence. The gas which escapes is hydrogen. When the fusible substance is heated in vacuo, it gives out an elastic fluid; and a dark-grey mass remains. The elastic fluid consists, besides a little ammonia, of two gases: one detonates with oxygen, and is to all appearance hydrogen gas; the other does not detonate. Mr. Davy thinks it pretty clear that the ammonia is only obtained when moisture is present. He examined the residuum of the fusible substance, after it had been exposed to a low red heat; and found that it was brittle, conducting, opaque, and black; spontaneously inflammable, and giving out ammonia when thrown into water. By a variety of nice experiments and calculations, he was led to think that a portion of the nitrogen, absorbed from the ammonia in the formation of this substance, disappeared altogether; and the following remarkable process left no doubt of it. The residuum was placed in a platina tube, thoroughly exhausted, connected with a pneumatic apparatus, and exposed to the heat of a forge. After it had by this means been heated as intensely as possible, the gas which came over, when mixed with half its bulk of oxygen, and detonated, left about one-sixth part of the whole undestroyed; and that sixth contained oxygen. In the tube was found potash and potassium; and water being added, much heat and inflammation were produced, but no symptom of ammonia. A variety of repetitions gave results perfectly correspondent. Mr. Davy clearly shows, that this is a considerably smaller residue of nitrogen than should be found; and it is evident that a part of that body having disappeared, its place is filled by oxygen, and another body not distinguishable from hydrogen. He concludes this part of his inquiry with stating, in the modest and truly philosophical form of a query, the theory of this singular experiment.

Is it, he asks, that the substance which, together with oxygen, takes the place of the nitrogen, is a new inflammable gas? or, that nitrogen has a metallic basis, which alloys with the substance of the vessels? or, that nitrogen, hydrogen and oxygen, all contain water as a ponderable basis, being themselves without weight? or, finally, that

nitrogen is a compound of hydrogen and oxygen,—a modification of water, containing a greater proportion of oxygen? To determine these points, our author is engaged in further experiments; and we can scarcely doubt that the result will be in favour of the last supposition; or, at least, that nitrogen will be found, either to be an oxide of hydrogen, or to contain hydrogen and oxygen, with some new and uninflammable aëriform body.

Mr. Davy's experiments upon sulphur and phosphorus were performed with a different apparatus. A platina wire was introduced into the end of a glass tube, and hermetically fixed in it. The tube, filled with the inflammable body, was bent at the other end; and another wire there inserted in the inflammable body. The wires could thus be brought within the proper distance of each other; and the shock of the battery be sent from one to the other, through the substance. When sulphur was exposed, in this manner, to the influence of a powerful battery (500 double plates of six inches), strong heat was produced: the spark was of a vivid orange colour; and sulphuretted hydrogen escaped. The residue was opaque, brown, and difficult of fusion. Our author obtained of gas, above five times the volume of the sulphur employed. Suspecting that oxygen as well as hydrogen is contained in sulphur, Mr. Davy having dried, as completely as possible, a quantity of sulphuretted hydrogen gas, heated potassium in it: it emitted white fumes, and took fire, depositing sulphur, sulphuret of potash, and sulphuret of potassium; and leaving hydrogen gas slightly impregnated with sulphur, in the receiving vessel. From this, and from several other experiments, our author infers that sulphur consists of a peculiar basis, not hitherto obtained in its simple state, united with small portions of oxygen and hydrogen. Phosphorus being exposed to the same series of experiments, both to the action of the galvanic fluid, and of potassium, gave nearly the same results. These experiments resemble the former so closely in every respect, that we shall not analyze them. The inference is, that phosphorus contains hydrogen, oxygen, and a peculiar basis.

Mr. Davy next examined, by similar tests, the constitu-

tion of plumbago and charcoal. The former remained quite unaltered when exposed to a battery strong enough to melt platina wire instantly. When heated with potassium, it formed a body spontaneously inflammable and decomposing water. The latter, exposed to the battery, gave out carburetted hydrogen; and, when heated with potassium, formed a body spontaneously inflammable. Neither carbon nor plumbago show any marks of containing oxygen. The diamond appears to contain a minute portion of oxygen.

In his former experiments, our author had found, that the action of the battery separates a peculiar substance from boracic acid, on the negative surface. Upon examining this, he found it inflammable; and saw reason to conclude, that, by oxygenation, it reproduced boracic acid. He had likewise found, that potassium, when heated with the same acid, produced borate of potash and a peculiar substance, which appearing, therefore, to be the basis of the acid, he now examined more fully. It is of a dark-olive colour, perfectly opaque and non-conducting. It takes fire in common atmospherical air, at a temperature below that of boiling olive oil. Heated intensely in an exhausted tube, it suffers no perceptible change, except that its colour becomes darker;—heated gently in oxygen gas, it throws off vivid sparks, burns brilliantly, and sublimes into boracic acid: the residuum requires a stronger heat, but sublimes into the same substance. When exposed to oxymuriatic acid, without heating, it burns with violence, forms boracic acid, and leaves a residuum, which burns and forms the same acid on the application of a gentle heat.

A variety of other experiments are detailed by Mr. Davy, all illustrative of the affinity of this substance with oxygen, and its producing, by that union, boracic acid: but they exhibit no phenomena of peculiar interest; and we therefore pass them over. He gives two experiments, out of several which he made, in order to ascertain the proportions of this substance and oxygen in the boracic acid. They were not very accurate, and can only be viewed as approximations. The first gave two parts of oxygen to

one of the inflammable basis; the second gave 1·8 oxygen to one of the basis. Mr. Davy reasonably considers this basis as bearing the same relation to boracic acid that sulphur and phosphorus do to sulphuric and phosphoric acids;—in other words, as an oxide of the true basis of the boracic acid. By heating it successively with potassium and with iron filings and a little potassium, bodies resembling metallic alloys and good conductors of electricity were produced, and the potassium was partly converted into potash. Our author infers from hence, that the basis of the acid is metallic; and he proposes to call it *boracium*. We apprehend it will be easily admitted, that he has succeeded in decomposing this acid,—at least that he has exhibited the base of it in its first state of deoxygenation, and given us as clear a knowledge of its composition as we have of the constitution of sulphuric or nitrous acids. His experiments on fluoric acid have been carried on in the same manner, and also by the application of the boracic basis, above described, to its decomposition; but without any such satisfactory result as to warrant us in following their details. He has certainly not advanced far towards the decomposition of that acid. The only result worth mentioning, is, that potassium, when heated in fluoric acid gas, burns, and makes the gas disappear,—leaving a little hydrogen gas, and a dark-coloured heterogeneous residuum.

Mr. Davy's experiments upon muriatic acid have still failed in decomposing that refractory body; but they have been conducted with such admirable patience and skill, that beside leading to some very curious facts in the mean time, they have most probably insured him, at no distant period, the solution of this great problem. The quantity of hydrogen always produced in the deoxygenating processes to which muriatic acid has been subjected, first attracted his notice. It is needless to follow the train of his experiments upon this point; because they lead to a conclusion which will be readily anticipated by every one familiar with the habitudes of the acid—that the evolution of hydrogen, which apparently takes place from the acid, comes in every case from water held in solution. Our

author's next object, therefore, was, if possible, to obtain muriatic acid free from water, with which it had so strong an affinity. We shall only mention the experiments in which he appears to have come nearest to this point; in none has he reached it completely. By the combustion of phosphorus in oxymuriatic acid, a white substance sublimes; a small portion of liquor is likewise formed, and the gas is almost entirely absorbed. The sublimate, our author thinks, is a mixture of dry phosphoric and muriatic acids; the liquor, he conceives, is a mixture of dry phosphorus and muriatic acid. Sulphur exhibited to oxymuriatic acid in the same manner, gave mixtures, supposed by our author to contain dry sulphuric and muriatic acids. But as these experiments proved unsatisfactory for the object in view, he proceeded to examine the compounds thus produced. The circumstance chiefly to be remarked in them, is, that potassium being exhibited to them, produces most violent explosions. In these, Mr. Davy does not conceive that the muriatic acid can be inactive; and he suspects that its decomposition, and the formation of a new substance from its basis, may be the occasion of the phenomena. But the further investigation of this subject he of course defers, until new experiments shall have enabled him to prosecute it with greater advantage.

This paper concludes with some general remarks, not so much upon the inferences directly to be drawn from the inquiries already analyzed, as upon certain incidental topics presented to our consideration by those inquiries, and forming the subjects of corollaries to the main propositions. They are neither very numerous, nor of peculiar importance; but the paper itself is quite interesting enough to render any disappointment on this score highly unreasonable. We shall add, in Mr. Davy's own words, the general observation upon the whole of his late investigations, with which he closes the present tract.

"The facts," says he, "advanced in this lecture, afford no new arguments in favour of an idea to which I referred in my last communication to the Society,—that of hydrogen being a common principle in all inflammable bodies; and, except in instances which are still under investigation, and concerning which no precise conclu-

sions can as yet be drawn, the generalization of Lavoisier happily applies to the explanation of all the new phenomena."

We the rather cite this passage, because persons, half informed on these subjects, and senseless enough (if, indeed, another word should not be used) to contaminate scientific inquiries with the vulgar feelings of political hostility, have of late been forward in extolling the discoveries of Mr. Davy, not on account of their vast intrinsic value, but from some vague confused notion, that they overthrew the modern theory founded by the French chemists, and created, as it were, a sort of balance of invention in favour of England. But on so disgusting a topic we are ashamed to dwell one moment longer.

"In proportion," our author concludes, "as progress is made towards the knowledge of pure combustible bases, so in proportion is the number of metallic substances increased; and it is probable, that sulphur and phosphorus, could they be perfectly deprived of oxygen, would belong to this class of bodies. Possibly their pure elementary matter may be procured, by distillation at a high heat, from metallic alloys, in which they have been acted upon by sodium or potassium. I hope soon to be able to try this experiment. As our inquiries at present stand, the great general division of natural bodies is into matter which is, or may be supposed to be, metallic, and oxygen; but till the problem concerning the nature of nitrogen is fully solved, all systematic arrangement made upon this idea must be regarded as premature."

Our readers will have perceived, in the course of this analysis, that the unwearied labour and the admirable skill of Mr. Davy have not, since we last treated of these subjects, been rewarded with any discoveries of superior importance. Such, at least, is the impression which the paper now before us will infallibly make on every one who studies it. Yet let us consider what we should have said, had such a contribution to chemical knowledge fallen in our way three years ago;—had we, for instance, heard, that the basis of the boracic acid had been discovered—that hydrogen had been detected in sulphur and phosphorus —and oxygen in azote? The whole world of letters would have been in commotion; and it would have been universally allowed, that since the establishment of the modern chemistry, no such steps had been made towards its perfection. If we now think less of these improvements, or even

receive them with coldness, it is only because we are spoilt with the abundance of capital discoveries in which we have of late been revelling;—and it is Mr. Davy himself who has spoilt us. His grand and numerous inventions, together with the two unexpected and important steps made by the French and Swedish chemists, have, for a while, so completely satiated the curiosity of the scientific world, that scarcely any new fact would now excite astonishment. While we are upon this point, we cannot avoid expressing the regret which filled us in reading the present paper, to perceive the philosophers of these neighbouring countries so entirely cut off from a mutual intercourse infinitely beneficial to their common pursuits. Mr. Davy has to this day only read the interesting experiments of Messrs. Gay-Lussac and Thenard in a Number of the *Moniteur*. If the rulers of nations are resolved never to consult the interests of the species in abstaining from war, surely they might contrive to conduct operations, which can only be excused by their necessity, in such a manner as to avoid unnecessary aggravations of the evil.

(February, 1811.)

*Researches on the Oxymuriatic Acid, its Nature and Combinations, and on the Elements of the Muriatic Acid; with some Experiments on Sulphur and Phosphorus, made in the Laboratory of the Royal Institution.* By H. Davy, Esq., Sec. R.S., Prof. Chem. R. I., &c.

(*From the Phil. Trans. for* 1810. Part II.)

Mr. Davy, in this paper, details a number of facts which throw considerable light upon the constitution of the muriatic acid,—hitherto one of the grand *desiderata* of chemistry; and lead us very strongly to suspect, that the received theory of the oxymuriatic acid has been adopted on insufficient grounds. He presents us also with some experiments on sulphur and phosphorus, which are eminently deserving of attention, although we are somewhat at a loss to understand the note at the foot of the page, intimating, that those experiments are "communicated to the Royal Society at the request of the managers of the Royal Institution." We had always conceived, that the many invaluable discoveries made by Mr. Davy, by those experimental researches which he conducted in the laboratory of the Royal Institution, were his own private property; and that however great the lustre which the owners of the retorts and receivers might derive from the noble uses to which he had happily applied them, those worthy personages had about as little share in the experiments, and as little property in the results of the inquiries, as they had in the thoughts which passed through Mr. Davy's mind while reposing upon the benches in Albemarle-street; in which benches, nevertheless, we freely admit they have an undoubted property. It is, however, very possible, that the note alluded to may proceed from our author's delicacy and kind feelings towards the Institution. We shall at least have much more satisfaction in ascribing

it to this cause, than if we found that it originated in any suggestion from the managers themselves.

In the papers of Mr. Davy, formerly published by the Royal Society, and analyzed from time to time in this Journal, various important remarks occurred upon the nature of the muriatic acid. It was observed, in particular, that muriatic acid could never be obtained from oxymuriatic acid, or from dry muriates, unless water or its constituent parts were present. It was also stated, that charcoal, when heated to whiteness by the galvanic battery in oxymuriatic or muriatic acid gases, produced no change whatever in those gases, if it had been previously deprived by ignition of moisture and hydrogen. These facts are no doubt singularly irreconcileable with the common doctrine, which, since the celebrated researches of Berthollet, has represented oxymuriatic acid as a compound of muriatic acid and oxygen; or presuming, from analogy, that muriatic acid is already composed of oxygen and an acidifiable base, has inferred, that oxymuriatic acid consists of that radical in a higher state of oxygenation. For if this were a just account of the matter, we might fairly expect to find muriatic acid result from deoxygenating the oxymuriatic acid, whether water were present or not; and unless water (or its elements) be in some shape essential to muriatic acid, it seems difficult to perceive, why the production of that acid, whether from oxymuriatic acid or from muriates, should be impossible, without the presence of moisture or hydrogen. At any rate, this doubt is a sufficient ground for carefully reconsidering the grounds of the received opinion; and Mr. Davy's researches carry us no small length in this examination, although they certainly cannot be said to determine the point finally.

Tin being exposed, under a certain degree of heat, to oxymuriatic acid, both the metal and gas disappeared, leaving a liquor exactly similar to that known by the name of Liquor of Libavius, which is a muriate of tin. To this fluid ammoniacal gas was exhibited, and it was greedily absorbed, forming a white solid body, the whole

of which volatilized on the application of heat. In another experiment, it was found equally impossible to decompound this liquor by ammonia. Instead of yielding oxide of tin, as might have been expected, it formed a new compound. In like manner, ammonia was exhibited to the solid compound of oxymuriatic acid and phosphorus, obtained by combustion; and a white opaque powder was obtained, which, though exposed to a high degree of heat, remained quite fixed and undecomposed. This, as Mr. Davy remarks, offers a singular phenomenon;—a mixture of three bodies, all extremely volatile, and two of them never known to exist in a fixed state except in composition with other bodies, is found to produce a compound highly fixed and refractory. He accordingly was at some pains to ascertain its qualities; but these do not seem to merit any particular description. Suffice it to say, that this substance can only be decomposed by combustion, and by the action of ignited hydrate of potash. Our author made similar attempts to obtain oxygen, or a body containing oxygen, from the phosphuretted liquor of the French chemists, and the sulphuretted muriatic liquor of Dr. Thomson. He operated by means of dry ammonia; and always obtained solid compounds, more or less refractory, but never yielding oxygen or oxides.

The common belief, that oxymuriatic acid and ammonia, acting on each other, produce water, has been, according to Mr. Davy, taken up on insufficient grounds; for he found, that when those bodies were mixed in the proportion of about one of acid to three of alkali, both in a dry, and, of course, gaseous state, no water was formed; but the product was dry and solid muriate of ammonia, with about a tenth part of nitrogen gas.

This last experiment, if repeatedly found to succeed, would indeed furnish strong grounds for denying the existence of oxygen in oxymuriatic acid; and for inferring, that the union of that acid and hydrogen produces muriatic acid. Mr. Davy, however, speaks with some doubt upon the subject. He says, "I have several times made the experiment, and I am convinced that

this is not the case" (*i. e.*, that water is not produced in the experiment). But an experiment of Mr. Cruikshanks, completed by the French chemists, led our author to a nearer view of the subject, and to evidence more purely synthetical. It had been found, that oxymuriatic acid and hydrogen, when mixed in nearly equal proportions, produced a gas condensable by water, and consisting of *dry* muriatic acid. This important, and almost decisive experiment (for which we are indebted to the able chemists above mentioned), was carefully repeated by Mr. Davy. He fired the two gases, in an exhausted receiver, by the electric spark, and always obtained muriatic acid gas, and a slight condensed vapour, with a diminution of $\frac{1}{10}$th or $\frac{1}{20}$th of the volume. When the gases were carefully dried, by exposure to muriate of lime, the condensation was diminished; and it did not exceed $\frac{1}{40}$th of the volume. When highly dried, sulphuretted hydrogen was used, with oxymuriatic acid. In this case, sulphur, slightly tinged with oxymuriatic acid, was deposited on the sides of the vessel: no vapour was deposited; and the gas which remained, consisted of muriatic acid, and about $\frac{1}{20}$th of an inflammable gas.

If to these facts we add the experiments by which the French chemists have proved, that, in the cases where oxygen is procured from oxymuriatic acid, water is always present, and muriatic acid gas is formed; and a variety of experiments by Mr. Davy and his brother, in which hydrogen and oxides were procured, by exhibiting metals to muriatic acid gas, exactly similar to the oxides obtained by burning the same metals in oxymuriatic acid gas; we shall be prepared to go further than merely to doubt the existence of oxygen in oxymuriatic, and of water in muriatic acid gases; and may probably be disposed to adopt our author's conclusion, that Scheele's view, however obscured by the language of an unfounded theory, comes much more near to the facts than the more specious and plausible doctrine of the antiphlogistic school. Instead of considering oxymuriatic acid as the muriatic acid in an oxy-

genated state, we shall then consider it as a more simple substance, which, when united with hydrogen, forms common muriatic acid. Should future inquiry justify this conclusion, and explain away the whole of the antiphlogistic doctrine upon this point, we shall be obliged, no doubt, to rejoice at the progress of science; but our joy will be mixed with trembling, when we reflect on the precarious tenure by which chemical truth is holden; for it may, after this, be most reasonably doubted, whether future discoveries shall not utterly destroy the merits of the later improvements in pneumatic chemistry, and bring us back to the doctrine of phlogiston, with the single exception of the positive levity of that body;—perhaps the only part of Stahl's theory (or rather of the changes made upon it by his followers) to which no enlargement of knowledge can reconcile us.

But it may be asked, why we hesitate in believing that our author's refutation of the common opinion is complete? An experiment is given, which appears at first sight conclusive.—Hydrogen and oxymuriatic acid being united, muriatic acid is produced. Why, then, it may be demanded, should we doubt that the supposed oxygenated acid is in fact a radical, which, when combined with hydrogen, becomes ordinary muriatic acid; or, that the supposed oxygenated acid is a body similar to oxygen, which, uniting with hydrogen as a radical, produces one of the known acids?—We answer, first, that the experiments are not detailed with such minuteness as is essentially necessary, when any new point of doctrine is to be established; and still more, when the change in our theories is, from a leading position, thought to be established irrefragably upon full and minute details of fact, to one utterly inconsistent with it, and in the highest degree hostile to the whole of the received system. It is in this case quite necessary, that we should have such particulars, as the following, anxiously detailed:—The exact quantities of the hydrogen and oxymuriatic acid exhibited to each other,—the method taken to make them act on each other,—the

appearances of their action,—the exact quantity of the body resulting from their union,—and the particular tests by which that body is proved to be muriatic acid. If an experiment of this nature is made, and the result is, that oxymuriatic acid and hydrogen, when united in a known manner, uniformly leave a residue of muriatic acid equal in weight to the sum of the weights of the oxymuriatic acid and hydrogen,—we shall at least have made one step, and a step neither unimportant nor insecure. There will then remain another, before we can safely adopt the conclusion in question:—And this brings us to the second difficulty, which stands in the way of our entire agreement with Mr. Davy's theory. After the above experiment shall have been cautiously and repeatedly made, and *minutely* detailed, it will still be possible to infer from it more than one proposition; —in other words, to account for the appearances in different ways: for it will prove, either that muriatic acid consists of oxymuriatic acid and hydrogen,—or that oxymuriatic acid consists of oxygen and muriatic acid deprived of water; and that muriatic acid consists of an acid combined with water. Which of these is the true theory, must be proved by other experiments made with a similar attention to minute particulars. Let it not be supposed, that we accuse Mr. Davy of rashness in his method of philosophizing. We know him to be eminent for his caution, and for the modesty which distinguishes all really great men. In his present paper, he does not require our implicit assent; because he has not, as he is well aware, completed his experimental investigation. But we think it necessary to point out the reasons for hesitation, to such readers as may be disposed to hasten too precipitately towards a conclusion, and may be unwilling to await those further and final evidences which Mr. Davy has possibly already in his possession.

If anything were wanting to enforce the degree of caution which we have been recommending to Mr. Davy's readers, and which we so well know it would be superfluous to bring within his own recollection, such

additional considerations, we apprehend, will be admitted to arise very naturally out of passages like the following. "The vivid combustion of bodies in oxymuriatic acid gas, at first view, appears a reason why oxygen should be admitted in it; but heat and light are merely results of the intense agency of combination. Sulphur and metals, alkaline earths and acids, become ignited during their mutual agency; and such an effect might be expected, in an operation so rapid as that of oxymuriatic acid upon metals and inflammable bodies." This remark is highly apposite; for it is offered in answer to a supposed objection, which it sufficiently repels. But what follows is merely sceptical, and produces no conviction one way or the other. "It may be said" (he adds) "that a strong argument in favour of the hypothesis, that oxymuriatic acid consists of an acid basis united to oxygen, exists in the general analogy of the compounds of oxymuriatic acid and metals to the common neutral salts. But this analogy, when strictly investigated, will be found to be very indistinct; and, even allowing it, it may be applied with as much force to support an opposite doctrine,—namely, that the neutral salts are compounds of bases with water,—and the metals, of bases with hydrogen; and that, in the case of the action of oxymuriatic acid and metals, the metals furnish hydrogen to form muriatic acid, and a basis to produce the neutral combination." This last appears rather a strained hypothesis; but if dry metals and oxymuriatic acid, acting on each other, produce compounds in which *oxygen shall be proved not to exist*, we shall certainly be compelled to change our opinion.

Our author proceeds to consider the phenomena of oxymuriates, as they were originally called,—or, as late experiments seemed to prove them, hyperoxymuriates: and here, again, we have rather the beginning of an investigation, than a complete induction of facts, upon which a conclusion may safely be built. He endeavoured to procure from hyperoxymuriates, the acid supposed to be hyperoxygenized, but without success. He distilled those salts with dry boracic acid, and found oxygen to

be the chief gaseous product, and muriate of potash the fixed residue. He distilled the orange-coloured fluid produced by dissolving hyperoxymuriates in sulphuric acid, but obtained only oxygen and oxymuriatic acid. He placed muriates (in a state of solution) in the galvanic circuit, and obtained oxymuriatic acid at the positive, and hydrogen at the negative surface; and, upon repeating the same experiment with oxymuriatic acid dissolved in water, he obtained oxymuriatic acid and oxygen at the positive, and hydrogen at the negative surface; which products, however, he admits in a note to this passage, must be ascribed rather to the water than the acid.

Our author then states his opinion with respect to the composition of hyperoxymuriates; and it is, like many of the opinions contained in this paper, only a probable conclusion drawn from an induction of facts admitted to be imperfect, but which, in all likelihood, will hereafter be completed. For the present, the opinion may be taken as a query, or hint, for further inquiry; and, we doubt not, Mr. Davy will, ere long, convert it into a certainty. "If the facts" (says he) "respecting hyperoxymuriate of potash be closely reasoned upon, it must be regarded as nothing more than as a triple compound of oxymuriatic acid, potassium, and oxygen. We have no right to assume the existence of any peculiar acid in it, or of a considerable portion of combined water; and it is, perhaps, more conformable to the analogy of chemistry, to suppose the large quantity of oxygen combined with the potassium, which we know has an intense affinity for oxygen, and which, from some experiments, I am inclined to believe, is capable of combining directly with more oxygen than exists in potash, than with the oxymuriatic acid, which, as far as is known, has no affinity for that substance."

Mr. Davy subjoins a variety of very ingenious observations upon the probable nature of oxymuriatic acid, —referring partly to the received facts upon the subject, and partly to his own experiments, as authorizing, or rather as giving colour to his remarks. From the

failure of the experiments to decompose it, as well as from its agreeing in scarcely any particular with acids, he can scarcely consider it as belonging to that class of bodies; and he suggests the probability of its being a *peculiar* acidifying and dissolving principle, like oxygen. Although his observations are marked with his usual ingenuity and chemical learning, we shall not at present dwell longer upon them,—reserving the further consideration of the theory for the period so often mentioned, and indeed so confidently anticipated, in the preceding pages, when the same admirable inquirer shall have finished his experimental researches, and presented us with *discoveries* on the subject in question, worthy (we can give no higher praise) of being ranked near his own former improvements in natural knowledge.

This paper concludes with some valuable experiments upon sulphur and phosphorus, particularly in their relations to potassium and oxymuriatic acid. But they do not admit of an abridgement; and though highly useful, as assisting future inquiries, they lead to no very definite general conclusions. We therefore can only recommend them to the attention of chemical readers; and, expressing our hopes that no interruption of any kind may stop Mr. Davy in his brilliant course of discovery, we take leave of the subject for the present, with again predicting, that the next time we turn towards it, we shall have to celebrate new triumphs of his skill and indefatigable industry.

# IX.

# MISCELLANIES:
# LITERARY AND HISTORICAL.

# LORD NELSON AND LADY HAMILTON.

(September, 1814.)

*The Letters of Lord Nelson to Lady Hamilton; with a Supplement of interesting Letters, by distinguished Characters.* 2 vols. 8vo. Pp. 545. London, Lovewell & Co. 1814.

We scarcely remember to have seen a more reprehensible publication; or one in which the frailties of the Mighty Dead have been more wantonly and barbarously unveiled—without the possibility or indeed the pretext of any other motive than that of the sordid and miserable profit that may be made of the exhibition. The man who should violate the last hallowed retreat of his war-worn frame, and display, for hire, the naked and festering limbs of the departed hero to the gaze of the brutal multitude, would be guilty, we think, of a less profanation. The outrage against decency, and the offence to all generous feeling, would not at least be aggravated in such a case, as we cannot help fearing they are here, by the strangest ingratitude, and the most incredible breach of confidence: for who but *the receiver* of these letters could have the means of giving them to the public? who but *the object* of this guilty, but ardent and devoted love, could have betrayed its follies and its phrenzy to our gaze?—We are aware that an advertisement has appeared in the newspapers, which professes to disclaim, on the part of Lady Hamilton, any concern with this lamentable publication: but it is difficult to pay any regard to such an intimation, while the work is allowed to go on. The genuineness of the letters is not denied; nor is any statement given of their having been surreptitiously withdrawn from her keeping. If this had been the case, however, or if the

publication had in any other way been undertaken *really* without her consent, or against her inclination, it is perfectly notorious that she might have stopt it in a little more than twenty-four hours, by applying to the Court of Chancery. Instead of this, it is blazoned in every newspaper, and in every shop-window in the kingdom; and a great and unhallowed profit is daily made by the sale of a work, the manuscript of which was, beyond all question, the property of Lady Hamilton. If this property has actually been stolen from her, never human being had such an interest to reclaim it; for never was any one exposed to more painful imputations by the uses to which it has been turned. The universal impression is, that Lady Hamilton has sold the love-letters—the indefensible and imprudent, but most confidential love-letters—addressed to her by Lord Nelson, to a bookseller for money! and that the only being upon earth by whom he could have borne that they should be seen—the only being, indeed, by whom they could be seen without injuring and lowering his fame—has, for the sake of a few pounds, exposed them to the eyes of the world! It would be an infinite relief to us to be freed from this impression; but, while it remains with us, we cannot avoid saying, that the disgust and indignation which it excites, is only aggravated by the consideration that it is a woman who has called forth these most uncomfortable sensations.

But though the mischief is done and irreparable—and though all the odious details of these volumes are already in the hands of those from whom it was most important to have withheld them—we should still have hesitated about adding to their publicity by our notice, had we not come to be satisfied, that even the private habits of such a man as Lord Nelson, when they are evidenced, as in this instance, by the undoubted testimony of his own letters, are matter of history, and must pass as such into the records of the age. In considering them, however, we shall carefully avoid giving circulation to the anecdotes (not, we grieve to say, always the most creditable) which these volumes bring

before us, of private individuals whose connexion with the great man will certainly not prevent their names from returning to the shelter of oblivion immediately after their earthly course is run. To preserve any of these, can serve no good purpose; for the censor, we conceive, has no right to drag into notice the vices or the follies which he may meet on his legitimate field, if it appear that they have been carried unfairly and forcibly thither, out of the shade in which they were naturally doomed to live their little hour.

The charge of bookmaking, to which this publication is liable beyond even the ordinary run of such works, may appear but trifling, after the grave accusations we have been alluding to. It is proper, however, to notice, that the letters of Lord Nelson occupy only about 230 pages of the whole. The rest are letters of various persons to Lady Hamilton—introduced under the pretence of illustrating Lord Nelson's letters, but, in reality, bearing little or no reference to them; and a very few letters of Lady Hamilton herself—not half a dozen, and such as create no sort of wish to see more of them.

The advertisement prefixed is a curious production. The mutual attachment, it is said, of Lord Nelson and Lady Hamilton is so generally known, that any "notes, however desirable and explanatory, might not have been deemed perfectly *decorous!*" Then, it seems, some parts of the correspondence "have been suppressed from the most honourable feelings to individuals, as they would certainly have given pain." Now, though we cannot prove by quotations how little regard has been paid to such a principle in this compilation, without renewing the offence, and giving additional pain to private individuals, we will venture to say that there are many of the pages now before us, which the persons who figure in them would give no small portion of their whole worldly possessions to have suppressed. A sort of apology is made for not dedicating to the British Navy these volumes—containing the sad monument of the frailties and follies of its brightest ornament;

and a promise, probably intended as a threat, is held out, that a mass of other letters from Lord Nelson, on public and private affairs, is preparing for the press; which, it seems, are to throw "light on political transactions at present *very imperfectly understood.*"

The letters of Lord Nelson, now published, exhibit the picture of a warm, affectionate, and generous nature —little under the guidance of reason, not at all controlled by prudence, giving way to every gust of feeling or passion, and prone to pour forth, without the least restraint, the most hearty expressions of the sentiments that inspire it. We should, however, ill discharge our duty if we stopt here. But extreme, and more than seaman-like imprudence, is not the amount of the charge which these effusions convey against his conduct. There is perceptible also a culpable disregard of domestic ties, and a neglect, approaching to cruelty, of one whom he was bound by honour, as well as religion, morality, and law, to cherish. This neglect, the consequence of an improper passion, seems (as frequently happens in minds otherwise virtuous) to have rankled to a degree of hatred, from the workings of self-reproach. Nor can a more melancholy instance be found of the maxim, that we are apt to dislike those whom we have wronged, and thus preposterously to visit on them the sins of our own injustice. Lord Nelson was married to a most amiable woman, of his own free choice, his equal in birth and fortune, and of suitable years; whose character through life is allowed to have been wholly without reproach. His letters to her were formerly published, we believe by his own permission; and we remember to have read one, written in the year 1798, in some religious Magazine, where it was recorded for edification-sake. It breathed a pure spirit of piety and self-humiliation; and a warm affection to his fair correspondent. Just about that time he fell in love with Lady Hamilton; and we very soon find him not merely wholly alienated from his wife, but expressing a dislike of her, and in pretty plain terms hinting that she stood in the way of his happiness. After Sir William Ha-

milton's death, this feeling seems to grow stronger; and these volumes contain undoubted proofs, that a desire to be relieved from the impediment was familiar to his mind, and, by a strange inconsistency, sometimes present even in its devotional moods.

The effusions of his passion, with such trifles as lovers write about, and a pretty indiscriminate abuse of every man, woman, and child, whom he has occasion to mention, except Sir William and Lady Hamilton, and one or two of their common friends, not amounting in the whole to quite six privileged persons, make up the bulk, if not the whole, of his letters. Such of our readers as are familiar with this species of composition, will judge for themselves, and correct us if we are wrong; but we, who have no knowledge of it except what we have gleaned from the specimens occasionally exhibited in parliamentary and judicial proceedings, should pronounce Lord Nelson's to be equal to the average of love-letters in point of literary merit. And although there is scarcely one observation to be found in them of any depth or acuteness, or even pleasantry, in short, above the level of the most empty talking, yet it would be ridiculous to doubt, that they might all have been produced by a person, who, when the fit was off, could correspond upon business which he understood like an able and a great man. He sat down to throw upon his paper all that was in his heart—and left his head pretty much out of the party. Had Dr. Johnson written down the expressions of fondness which Garrick used to repeat from his hours of endearment with "*his Tetty*," perhaps the result would have been worthy of a place in this publication. It is a common saying, that "Nelson was nothing ashore;" and the present volumes will be cited in support of the remark. If, by this, it is only meant that he spent his hours of relaxation as all great men do, in a luxurious enjoyment of freedom, and a playful indulgence of all his feelings and fancies, voluntarily refraining from any severe exercise of his faculties, and purposely idling his time away, there is perfect truth in the statement. His hours

on shore were merely his *horæ subsecivæ*; intervals of absolute vacancy and remission, such as other men have by half hours or minutes, or once a week; and we imagine any other man of talents, taken unawares in one of his idle intervals, would be found much such a man as Nelson. But the statement, we are persuaded, is altogether erroneous, if it is intended to insinuate that had Nelson braced his mind to any object, though not on his own element, he would have pursued it with no better powers than are indicated in this publication; and, full of rhapsody, and meagre of almost everything like thinking, as these letters are, we every now and then may descry a trace of vigour, sufficient to show that his talents were only dormant.

Let it not be thought, that we dwell on these passages, for the sake of exciting a feeling disrespectful to the memory of this great man. We have a far higher object in view; and nothing but our zeal for that object could make us submit to the real pain which our present occupation inflicts upon us. The notorious fact of Lord Nelson's domestic misconduct to his wife, has too long held out a kind of sanction to the false reasoning, which seeks to shelter kindred delinquencies under the authority of great examples. The very title of this audacious publication—"*Lord Nelson's Letters to Lady Hamilton*," recalls the bad fame of that unhappy connexion; so that it is in vain to stifle the discussion and the false impressions which it may engender: And all that remains, therefore, is to counteract the bad effects of so fatal an example, by bestowing upon it, even in this exalted instance, the reprobation it so amply deserves. Without stating it formally as a proposition, that all men may do wrong, because a great man did so (alas! how happy would it be if we were never influenced by doctrines more dangerously sophistical—if all our false principles of action were thus boldly stated in the repulsive form of manifest error!), it is to be feared that the knowledge of his faults soothes many a conscience, and is made the salve to heal over those wholesome wounds, through which remorse might other-

wise open an avenue to virtue. The public opinion, too, may be affected imperceptibly, and the last check destroyed for ever upon baser spirits, whom no workings of conscience can reach. The community may cease to despise, with such undivided contempt, as it now does, the vile and degraded wretch, who maltreats her whom he has taken for better and for worse, and vowed to protect for life. The conduct most befitting a coward, an effeminate and besotted tyrant, may no longer call forth the unanimous execration of Englishmen, when they vaguely hear it said, that "Nelson did so." If unhappily it be true, that, to a certain degree, though far less than may be alleged, this gallant man's life held out such evil example, we must apply the only remedy within our reach, by freely expressing the indignation which it excites, even in his case; and instead of letting the puny imitators of his faults find a shelter under his authority, we must let it be distinctly seen, that as not all the glories of his illustrious life can save his memory from the reproofs of the virtuous and the wise, when they contemplate his defects,—so the public indignation shall fall with overwhelming force upon those who can only ape his imperfections. As well might they cite the example of Julius Cæsar for enormities, at which human nature shudders;—or of Lord Nelson himself, for the dreadful prostitution of the name and power of England, to purposes of murder and treachery,—under the influence of the same woman who has now given his love-letters to the world.—To return to these productions—

We must note the tone of scurrilous abuse of almost all his friends, especially in the navy. This may sometimes be traced, no doubt, to the ill-humour of the moment; but generally it arises from some personal interest, as a quarrel about prize-money; or from the circumstance, which he seems never to have forgiven, of the person in question being either his superior officer, or a Lord of the Admiralty. But the thing never to be pardoned, is when an inferior officer gets into this latter station, and has, or is thought to have,

authority over him. It is painful to see with what pertinacity he pursues Sir T. Troubridge merely for this offence; and no kindness is ever able to disarm him; on the contrary, he takes it all for perfidy. Lord St. Vincent (to whom he owed the fleet which conquered at the Nile) is habitually attacked in the same way; although his letters never mention Lord Nelson without the warmest expressions of admiration and esteem. Sir Alexander Ball and others fare little better. And then, when he has to deal with ordinary mortals, especially women, there is no coarse or scurrilous epithet that he does not fling around him in profusion. So much so, that although these letters were addressed to his mistress, we dare not so far offend common decency as to transcribe any one of them entire.

The impatience of command which we have noticed, leads to a remark respecting this great man's public life not unworthy of notice. He seems to have been formed by nature not only for the highest station—but for no other; and to have been alike incapable of occasionally falling into a subordinate part, and of contenting himself with a share of any joint operation. Mr. Southey, in his Life of him, is perpetually throwing out insinuations against the other officers who refused to concur in all Nelson's projects; as if those distinguished characters were bound to disobey orders from home, in order to gratify the curiosity of this commodore—whose projects on shore would almost always have led to a mere experiment upon the bravery of English soldiers and sailors. Nor does he ever reflect that Lord Nelson, except at Teneriffe, where he failed, was in point of fact wholly confined to his own element, in the marvellous exploits which made him so famous. If every commanding officer had acted so completely for himself, and with such disregard of orders or combined plans from home; nay, if only a very few officers had acted so, the speedy ruin of our affairs must have ensued; the army and navy would have become one scene of confusion. Possessing such a commander, the Government could not do better than give him its largest

station, and an unlimited discretion in the employment of his forces; but nothing short of wielding all the forces, military as well as naval, wherever he went, would satisfy him; and this appears to have been his desire, as much when he was a commodore, with a few sail under him, as when he commanded the whole Mediterranean and Atlantic. Nay, we find him very frequently interfering in matters purely civil, in political negotiations, and in affairs connected with the relations of peace or war, and of treaties actually pending, and wholly unknown to him—and sometimes against orders, and on notions of his own. His letters (for he always appears to have been a great writer, whether in love or war) contained accounts of his motives, which were generally some vague feeling of his own, or some notion of what was fitting the national character, without the least regard to reason, order, or calculation;—his contempt of which he pretty freely expresses: And he often talks of "throwing himself upon his country for his defence,"—as if the voice of the multitude, and not the order of the Government, were the proper rule of an officer. Of course Mr. Southey always admires these flights; and expresses his decided contempt of the other commanders who thwarted his hero, by refusing to disobey the commands of their superiors, and to entrust him with the disposal of their forces. The biographer, indeed, upon these occasions, seems to set himself up as a kind of Nelson; and assumes the same superiority over Nelson's brother officers, as he himself did. No calculating—no forethought—no prudential considerations for Mr. Southey. You must fight away without looking on one side or the other, if you would please him. And as for the inferior questions—of what advantage you are to get by it—how you are to succeed—whether or not you are sure of being wholly destroyed—these are the suggestions of narrow and timid minds, who have never yet learnt the true maxim, so decisive of all such subjects, and embracing the whole art military of that learned author—that by mere volition or determination

to conquer, any given force may perform any service required. We mention these things without any wish to detract from the general merits of Mr. Southey's work; of which we have formerly said that we think very highly, both for its honesty and its ability.

It is a more pleasing task to turn from the frailties to the merits of the great man whose heart now lies exposed to view, in its most private, unstudied, and unrestrained effusions. Every here and there we see traits of some friendship almost as warm as the passion which has dictated the bulk of the correspondence. The pale of his favour seems indeed to have been very confined; but the few within it are cherished with a zeal proportioned to the vehemence of his abuse against all beyond it. Captain Parker, who seems to have been dying of wounds received in battle, and a Mrs. Thomson and her child, appear, after Lady Hamilton, principally to occupy his thoughts. There was some love-story connected with the latter which manifestly excited his sympathy in an extraordinary degree. But it is pleasing to observe so frequently the breaking forth of the only principle, amounting in him to a passion, which could successfully combat his extravagant love,—we mean that mighty love of his country, and that thirst for glory, which for the most part engrossed his soul,—bearing his shattered frame through every suffering, mortification and danger, and lifting him, at last, to the very height of renown, when it carried him to a death perhaps the most glorious that ever closed the existence of a warrior. There is something extremely affecting in the invariable constancy with which his military ardour rises superior to all his other passions, and remains unsubdued amidst the wreck of all other principles and feelings:—it seems alone to have vanquished, or even resisted his love. "You ask me," says he, "my dear friend, if I am going on more expeditions? And, even if I was to forfeit your friendship, which is dearer to me than all the world, I can tell you nothing. For, I go out: [if] I see the enemy, and can get at them, it is my duty: and you would naturally hate me, if I kept back

one moment. I long to pay them, for their tricks t'other day, the debt of a drubbing, which, surely, I'll pay: but *when, where, or how*, it is impossible, your own good sense must tell you, for me or mortal man to say. I shall act not in a rash or hasty manner; that you may rely, and on which I give you my word of honour. Just going off. Ever, for ever, your faithful

"NELSON & BRONTE."

We extract the following letter with pleasure; it is extremely interesting, as being one of the last he wrote, and containing a pointed allusion to the approaching battle of Trafalgar.

"MY DEAREST EMMA, *Victory, October* 1, 1805.

"IT is a relief to me, to take up the pen, and write you a line; for I have had, about four o'clock this morning, one of my dreadful spasms, which has almost enervated me. It is very odd! I was hardly ever better than yesterday. Freemantle stayed with me till eight o'clock, and I slept uncommonly well; but, was awoke with this disorder. My opinion of its effect, some one day, has never altered. However, it is entirely gone off, and I am only quite weak. The good people of England will not believe, that rest of body and mind is necessary for me! But, perhaps, this spasm may not come again these six months. I had been writing seven hours yesterday; perhaps, that had some hand in bringing it upon me. I joined the fleet late on the evening of the 28th September, but could not communicate with them until the next morning. I believe my arrival was most welcome; not only to the commander of the fleet, but also to every individual in it: and, when I came to explain to them the *Nelson touch*, it was like an electric shock. Some shed tears, all approved—'It was new, it was singular, it was simple!' and, from Admirals downwards, it was repeated—'It must succeed, if ever they will allow us to get at them! You are, my Lord, surrounded by friends whom you inspire with confidence.' Some may be Judases; but the majority are certainly much pleased with my commanding them."

We have often witnessed attempts to set up for this lady, some such claim to the public bounty, as Lord Nelson urged not very decorously in his last will. It would have been an insult, however, we must say, to the country, if such a prayer had been complied with. The public feelings were sufficiently outraged by the astonishing omission of Lady Nelson, in the honours and wealth bestowed on the family at Lord Nelson's

death. The Government, on that occasion, took part with his unwarrantable caprice, and neglected that amiable and excellent woman, (as all who have ever mentioned her name admit her to be), merely because she had been most causelessly neglected by her husband. It encouraged the base and un-English feelings which too frequently lead, what is called fashionable society, to take the husband's part, because he is the powerful party; and to shun his innocent and ill-treated wife, only because she is weak and unfortunate. Instances could be given with ease, of women avoided in the world, almost as scrupulously as if they had been divorced by their husbands; and when you come to ask why, the only answer is, that their husbands have been living apart from them, to indulge in their own vicious courses, without having a shadow of charge to prefer in extenuation of this conduct. If, when Mr. Pitt passed over the wife in the grants of money, pension, and peerage, (in the teeth of his own last precedent when Sir Ralph Abercromby fell,) he had also pensioned the other connexion—we might in vain have ransacked foreign courts for proofs of public immorality. As for Lady Hamilton herself, we see no right which she can have to complain. Her public services, we suppose, have been sufficiently requited by the public, whom she may formerly have served. The transactions in the Bay of Naples merited another kind of reward. And if she is now in want of money, she surely can find no difficulty in obtaining assistance from the distinguished friends whose letters fill up this work. They would prefer, we should think, contributing in cash, to affording her their letters. And if one Noble and Right Reverend person is no more, whose gallantry graces these pages, and who, among other things, compares her to "*Diana*"—another, equally noble, though as yet only Reverend correspondent, survives, who surely cannot have forgotten how often he was her "obliged and faithful servant,"—called her "his deary,"—condescended to write jocose and free letters to her of a Sunday morning, between morning and

evening service,—looked to her as his "best and truest friend" for protection and advancement,—engaged her to obtain prebends, "with six hundred a-year, and good houses;" and inclosed a list of five Deans, "all old men." To him, and to such as him, who are wallowing in riches, and have given her claims on their gratitude, she is certainly entitled to look for assistance; not to the public, of whom she has deserved ill, and never more so than by the present publication.

# MUNGO PARK.

(February, 1815.)

*The Journal of a Mission to the Interior of Africa in the Year* 1805, *by* Mungo Park: *together with other Documents, Official and Private, relative to the same Expedition. To which is prefixed, an Account of the Life of* Mr. Park. 4to. Pp. 320. London, Murray, 1815.

The reader is aware, that Park's first and greatest journey in Africa was performed under the direction and patronage of the African Association—a small but most praiseworthy Society, formed for promoting discoveries in that unexplored quarter of the globe. He returned at the end of the year 1797, and, for some time, devoted himself to domestic pursuits, and to the publication of his travels. In 1804 he was invited by the Government to undertake a new journey upon a different plan, and with the view of opening channels of commercial intercourse, as well as extending our knowledge of the interior of Africa. His journal of this expedition, from his leaving Kayee on the Gambia, to his embarkation upon the Niger at Sansanding, forms the principal part of the volume before us. It was drawn up under every conceivable disadvantage, and intended to furnish memoranda of occurrences and scenes, which, after his return, he could more fully describe. In the meanwhile, it was transmitted to the Secretary of State for the Colonial Department, under whose authority the journey was prosecuted; and from that department it was communicated to the African Institution, with permission to publish it for the benefit of Mr. Park's family.

The traveller had been accompanied the greater part

of his way by Isaaco, a native African of respectable character, who returned with his papers and letters before he embarked on the Niger: And when rumours reached Senegal of his death, uncontradicted by any tidings of a more favourable kind, Governor Maxwell determined to despatch some one in search of him, and was lucky enough to find Isaaco ready for the service. He was absent about twenty months, and returned in September 1811, with a confirmation of the fatal intelligence. He kept a journal of his proceedings; and a translation of this singular piece, from the original Arabic, is subjoined to Park's Journal.

When the African Institution undertook the publication of these papers, they were favoured with a copy of Park's memorial to the Colonial Department, upon the objects of the expedition, and the means of accomplishing them, and of his letters addressed officially to that department. Sir Joseph Banks, also, Park's first and most valuable patron, communicated the letters addressed to him, and accompanied them with every other information relative to the expedition. The memorial and correspondence are incorporated in the biographical part of this volume.

The task of preparing these documents for the press, and of writing the life of the traveller, as well as furnishing such geographical and other elucidations as were necessary for the full understanding of the subject, was confided by the Institution to one of its Directors; and it appears, from the manner in which the office has been performed, that it could not have been entrusted to better hands, whether for diligence, accuracy, or ability. Indeed, a more interesting piece of biography has not, for many years, been given to the public: notwithstanding that the principal events in Park's life were well known, and that anything beyond his travels could not be expected to excite particular attention. By a judicious combination of the materials furnished by the family and friends of Park, and the correspondence above noticed, with a clear and not inelegant abstract of his travels in both expeditions, and

an introduction of some collateral disquisitions upon subjects connected with his history, and the affairs of Africa, the editor has certainly produced a tract, at once instructive and entertaining in no common degree. If he has left us anything to regret, it is a certain fastidiousness, rather than caution, which may be frequently traced, and to which we may ascribe an unnecessary abstinence or self-restraint in handling some topics, and a subdued tone generally prevalent through the composition. This kind of regret, however, we express doubtingly; well aware of the dangers to which the opposite extreme of rashness and eloquence exposes historical researches, and therefore not unwillingly reconciled to the error, if such it must be deemed, which lies on the safer side.

In presenting us with a sketch of Park's life, the learned and judicious editor has had recourse to the best sources for information; and he has been successful in his pursuit of it. Mr. Archibald Buchanan of Glasgow, a brother-in-law of Park, had made some progress in a similar work; and immediately on hearing of the present design, he transmitted all his materials to our author. Two brothers of Park, one of whom, Adam, is still living at Gravesend, and Mr. James Dickson of Covent Garden, well known in the botanical world, one of Park's earliest and steadiest friends, furnished much important information. The stores of geographical learning possessed by Major Rennell, and the copious details respecting the trade of Africa furnished by Mr. Macaulay, are not the only contributions of those gentlemen to the completion of this work: The editor owes to them also several interesting particulars respecting the biographical branch of it; and, as may easily be conceived by all who know the habitual liberality, in such matters, which distinguishes Sir Joseph Banks, and makes his assistance scarcely be deemed a favour, the editor had easy access to whatever that justly respected personage could supply in aid of his plan.

It is by no means our design to anticipate the gratification which a perusal of the tract itself must furnish

to our readers; still less to provide a substitute for it. We shall not, therefore, follow the course of the biography, but only notice a few passages by way of specimens, and for the sake of exciting, rather than satisfying, curiosity. In fairness to the author, it should be remarked, that the merits of a work like this, lie not so much in single passages, which can be detached from the rest, but consist rather in the assemblage and arrangement of the whole materials, and their disposition in the form of a continuous and flowing narration.

The latter part of Park's first journey, and his return home, afford a narrative of peculiar interest, from two incidents, of a nature sufficiently dramatic, one of them indeed almost emulating the combinations of romance.

"Having encountered all the horrors of the rainy season, and being worn down by fatigue, his health had, at different times, been seriously affected. But, soon after his arrival at Kamalia, he fell into a severe and dangerous fit of sickness, by which he was closely confined for upwards of a month. His life was preserved by the hospitality and benevolence of Karfa Taura, a negro, who received him into his house, and whose family attended him with the kindest solicitude. The same excellent person, at the time of Park's last mission into Africa, hearing that a white man was travelling through the country, whom he imagined to be Park, took a journey of six days to meet him; and joining the caravan at Bambakoo, was highly gratified by the sight of his friend.

"There being still a space of five hundred miles to be traversed (the greater part of it through a desert) before Park could reach any friendly country on the Gambia, he had no other resource but to wait with patience for the first caravan of slaves that might travel the same track. No such opportunity occurred till the latter end of April 1797; when a coffle, or caravan, set out from Kamalia under the direction of Karfa Taura, in whose house he had continued during his long residence of more than seven months at that place.

"The coffle began its progress westwards on the 17th of April, and on the 4th of June reached the banks of the Gambia, after a journey of great labour and difficulty, which afforded Park the most painful opportunities of witnessing the miseries endured by a caravan of slaves in their transportation from the interior to the coast. On the 10th of the same month, Park arrived at Pisania, from whence he had set out eighteen months before, and was received by Dr. Laidley (to use his own expression) as one risen from the grave. On the 15th of June he embarked in a slave ship bound to America, which was driven by stress of weather to the West Indies, and got with great difficulty, and under circumstances of consider-

able danger, into the Island of Antigua. He sailed from thence on the 24th of November, and after a short, but tempestuous passage, arrived at Falmouth on the 22nd of the following month, having been absent from England two years and seven months.

"Immediately on his landing he hastened to London, anxious in the greatest degree about his family and friends, of whom he had heard nothing for two years. He arrived in London before daylight on the morning of Christmas-day, 1797; and it being too early an hour to go to his brother-in-law, Mr. Dickson, he wandered for some time about the streets in that quarter of the town where his house was. Finding one of the entrances into the gardens of the British Museum accidentally open, he went in and walked about there for some time. It happened that Mr. Dickson, who had the care of those gardens, went there early that morning upon some trifling business. What must have been his emotions on beholding, at that extraordinary time and place, the vision, as it must at first have appeared, of his long-lost friend, the object of so many anxious reflections, and whom he had long numbered with the dead!"—pp. xiii.–xv.

An interesting account is given of the manner in which Park's mind was made up to undertake his second journey. He had settled in a provincial town of his native country, married, and had a family. He was practising surgery in the neighbourhood, with such success as may be attained in that confined sphere. He was greatly esteemed by his fellow-citizens, and distinguished by some of the most eminent literary characters of Scotland, among whom, our author mentions, with an appropriate tribute of respect, the venerable Dr. Ferguson, the last survivor of that illustrious school which will shine through all ages, in the names of Hume, Smith, Robertson, and Black. But his station, though thus comfortable and creditable to himself, and rendered still more honourable by the charities which he exercised towards the poor in the course of his profession, was nevertheless ill-suited to the adventurous turn of mind which his past habits had formed. "His journies to visit distant patients—his long and solitary rides over 'cold and lonely heaths' and 'gloomy hills assailed by the wintry tempest,' seem to have produced in him feelings of disgust and impatience, which he had perhaps rarely experienced in the deserts of Africa. His strong sense of the irksomeness of this way of life broke

out from him upon many occasions; especially when, previously to his undertaking his second African mission, one of his nearest relations expostulated with him on the imprudence of again exposing himself to dangers which he had so very narrowly escaped, and perhaps even to new and still greater ones; he calmly replied, that a few inglorious winters of country practice at Peebles, was a risk as great, and would tend as effectually to shorten life, as the journey which he was about to undertake."—pp. xxxiii. xxxiv.

In this frame of mind he received a summons to attend the Secretary for Colonial Affairs, who made him the proposal of conducting the expedition then under consideration. He desired a short time to consult his friends; but here, as in such cases almost uniformly happens, his mind was already pretty well resolved; and the consultation was a matter of courtesy or form.

"From the time of his interview with Lord Hobart, his determination was in fact taken. His imagination had been indulging itself for some years past upon the visions of discoveries which he was destined to make in the Interior of Africa; and the object of his ambition was now within his grasp. He hastily announced to Lord Hobart his acceptance of the proposal; employed a few days in settling his affairs and taking leave of his friends; and left Scotland in December 1803, with the confident expectation of embarking in a very short time for the coast of Africa."

The delays and mismanagement incident to official proceedings in matters not immediately connected with war, and therefore below a great Statesman's notice, now enter into the narrative. The principal details of the expedition had been arranged before the application to Park. A month or two had elapsed since the proposition was made. Upon his arrival in town after he accepted, a postponement of two months took place without any apparent cause, and the sailing was then fixed for the end of February. But at that critical moment, Mr. Addington and his friends were occupied with

concerns nearer and dearer to them than the geography of Africa. We allude not merely to the war then waging against France, though they had that also upon their hands, but the more interesting conflict with Mr. Pitt, who had grown as weary of opposition as Mr. Park was of provincial surgery; and, by means of motions respecting the navy and the army, and other "vital interests of the empire," was occupied in turning out the above characters, from the places in which he had put them. Everything was ready, and the embarkation in great part completed, when the expedition was suddenly countermanded; the Earl Camden having happily succeeded to the Lord Hobart's place as his portion of the change; and it being, of course, necessary that the nature and objects of the undertaking should be expounded to that noble person, and his pleasure ascertained upon the practical question, Whether a scheme of scientific and commercial discovery ought to be pursued, notwithstanding that it had been devised by his immediate predecessors? When these circumstances are considered, it will not be deemed too great an allowance of time, if we add, that the sailing was put off from February to September. But this interval was spent very profitably by the traveller, who, at the judicious suggestion of some person in authority, made himself a tolerable master of Arabic, and acquired some expertness in taking observations. He also drew up the memorial already referred to, upon the objects of the expedition, and the means of accomplishing them, accompanying his remarks with the reasons of the opinion very confidently entertained by him, that the Niger, after pursuing an easterly course, turns to the southward, and falls into the Atlantic on the coast of Guinea, in the vast stream known by the name of the Congo.

In order to acquire the Arabic language, he had retired to his native place with an Arab, who came over in the suite of Elfi Bey. Upon his return to town, he found the plan was approved of; but, before it was finally determined on, he "was desired by Lord Camden, to consult Major Rennell, and obtain his opinion both

with regard to the scheme and objects of the expedition, and Park's own sentiments relative to the Niger, as stated in his Memoir. For this purpose he went to Brighthelmstone, where Major Rennell then was, and remained with him several days; during which time, the subjects proposed by Lord Camden were repeatedly discussed between them. With respect to the supposition relative to the termination of the Niger, Major Rennell was unconvinced by Park's reasonings, and declared his adherence to the opinion he had formerly expressed with regard to the course of that river. As to the plan of the intended expedition, he was so much struck with the difficulties and dangers likely to attend its execution, that he earnestly dissuaded Park from engaging in so hazardous an enterprise. His arguments, urged with all the warmth and sincerity of friendship, appear to have made a great impression upon Park; and he took leave of Major Rennell with an apparent determination to relinquish the undertaking. But this conviction was little more than momentary, and ceased almost as soon as the influence and authority from which it proceeded, were withdrawn. On Park's return to London, his enthusiasm revived; and all doubts and difficulties were at an end."—pp. l. li.

The objections here alluded to, and in which many of Park's intelligent friends joined, were of a general and somewhat vague description, according to the judicious remark of his biographer, and applicable to any undertaking of a similar kind. He opposes to them the opinion of Sir Joseph Banks, on every account entitled to the greatest deference upon such a subject; but more especially, because it proceeded from one who had encountered the most imminent risks in the prosecution of scientific discovery. Without in the least extenuating the dangers of the untried expedition, which he regarded as one of the most hazardous ever undertaken, he still thought that they were not greater than might reasonably be encountered for the sake of very important objects;—justly observing, says our author, that it was only from similar risks of human life, that

great geographical discoveries were in general to be expected.

Everything being now fixed, and the season already far advanced, Park was extremely anxious to hasten his departure, as the whole success of the expedition depended on its being undertaken a sufficient time before the rains. He was nevertheless detained two months for his official instructions,—a delay somewhat preposterous, when we consider that those instructions could only be the echo of his own memorial, in an abridged and general form; and one month more elapsed, before he could set sail. As everything was ready early in October, it is deeply to be lamented, that any accident should have prevented him from sailing in the course of that month. The delay, indeed, proved fatal to the enterprise, which in all probability would have had a different result, had it been undertaken at an adequate distance of time from the rainy season.

The plan being to send Park with a detachment of soldiers, an adequate store of merchandise, and a few seamen and carpenters to construct vessels for the navigation of the Niger—the main object of the expedition, and the means by which its ulterior ends of discovery were to be accomplished—he received the local rank of captain in the King's service; and under him were commissioned, his brother-in-law Mr. Anderson a surgeon, and Mr. George Scott a draughtsman. They were to choose their soldiers from the garrison at Goree. Having sailed on the 30th January 1805, they arrived, after a somewhat tedious passage, on the 8th of March, at Jago, one of the Cape de Verd Islands, where they purchased the asses requisite for their caravan; and on the 28th, they reached Goree in safety. His prospects at this time seem to have been at the brightest; and we shall extract a few passages of his letters—rendered the more touching, from the contrast between their tenderness and the inflexible steadiness of his nature—if indeed we can, with any propriety, speak of contrasting qualities so much in

harmony as real boldness and the kindly affections of the heart. The first passage is from a letter to his wife.

"I have hopes, almost to certainty, that Providence will so dispose the tempers and passions of the inhabitants of this quarter of the world, that we shall be enabled to *slide through* much more smoothly than you expect.

"I need not tell you how often I think about you; your own feelings will enable you to judge of that. The hopes of spending the remainder of my life with my wife and children will make everything seem easy; and you may be sure I will not rashly risk my life, when I know, that your happiness, and the welfare of my young ones, depend so much upon it. I hope my mother does not torment herself with unnecessary fears about me. I sometimes fancy how you and she will be meeting misfortune half-way, and placing me in many distressing situations. I have as yet experienced nothing but success; and I hope that six months more will end the whole as I wish."—p. lviii.

The next which we shall select is from a letter to Mr. Dickson, dated the 26th of April, the day before he left the Gambia.

"Everything, at present, looks as favourable as I could wish; and if all things go well, this day six weeks I expect to drink all your healths in the water of the Niger. The soldiers are in good health and spirits. They are the most *dashing* men I ever saw; and if they preserve their health, we may keep ourselves perfectly secure from any hostile attempt on the part of the natives. I have little doubt but that I shall be able, with presents and fair words, to pass through the country to the Niger; and if once we are fairly afloat, *the day is won*.—Give my kind regards to Sir Joseph and Mr. Greville; and if they should think that I have paid too little attention to natural objects, you may mention that I had forty men and forty-two asses to look after, besides the constant trouble of packing and weighing bundles, palavering with the Negroes, and laying plans for our future success. I never was so busy in my life."—pp. lxiii. lxiv.

He had selected the thirty-five soldiers and a lieutenant who were to attend him, from the garrison of Goree, the whole having volunteered. Nevertheless, it appears that their habits or constitutions were not peculiarly well adapted to the service, and the rains destroyed them with a fatal rapidity. He found himself at the wished-for point, ready to embark on the Niger; but after losing his whole companions, except Lieutenant Martyn and three soldiers, of whom one

was in a state of mental derangement, the death of his friend and brother-in-law Mr. Anderson appears to have affected him most deeply. "No event," says he, "ever threw the smallest gloom over my mind till I laid Mr. Anderson in the grave: I then felt myself as if left a second time lonely and friendless amidst the wilds of Africa." (*Journal*, p. 163.) In his perilous situation, indeed, he might well have been excused for shutting his heart against every sentiment not immediately connected with self-preservation. "He was" (says his biographer) "about to embark on a vast and unknown river, which might possibly terminate in some great lake or inland sea, at an immense distance from the coast; but which he hoped and believed would conduct him to the shores of the Atlantic, after a course of considerably more than three thousand miles, through the midst of savage nations, and probably also after a long succession of rapids, lakes, and cataracts. This voyage, one of the most formidable ever attempted, was to be undertaken in a crazy and ill-appointed vessel, manned by a few Negroes and four Europeans!" p. lxxvii.

At this interesting, but most trying moment, his habitual constancy did not forsake him; nay, strange to tell, and incredible, were it not known that great men perform things next to impossible by dint of a certain self-deception which never leaves in their minds any doubt of success, and which they always extend even to desperate circumstances where all chance of succeeding is gone—in the situation just now described, we find this extraordinary person not only cheerful, but almost sanguine. Before embarking in the crazy vessel, which, principally by his own labour, he had constructed of two old patched and worn-out canoes, he completed his journal up to that date, such as it is here given; and occupied a few hours in writing letters to Sir Joseph Banks, the Colonial Department, and his wife. For inserting the two last of these singular pieces, we shall offer no apology to the reader. He will perceive a material difference in the colouring

given to his situation, where he is speaking to his wife. From the letter to Lord Camden, it is plain, that he was well aware of its extreme difficulties and perils; but that he, who had been full of confidence, where others would have despaired, was very far from despairing, where success appeared beyond all calculation.

"*To the Earl Camden, one of His Majesty's Principal Secretaries of State, &c. &c. &c.*

"On board of H.M. Schooner 'Joliba,' at anchor off Sansanding.
"My Lord, November 17th, 1805.

"I have herewith sent you an account of each day's proceedings since we left *Kayee*. Many of the incidents related are in themselves extremely trifling; but are intended to recal to my recollection (if it pleases God to restore me again to my dear native land) other particulars illustrative of the manners and customs of the natives, which would have swelled this bulky communication to a most unreasonable size.

"Your Lordship will recollect, that I always spoke of the rainy season with horror, as being extremely fatal to Europeans; and our journey from the Gambia to the Niger will furnish a melancholy proof of it.

"We had no contest whatever with the natives, nor was any one of us killed by wild animals, or any other accidents; and yet I am sorry to say, that of forty-four Europeans who left the Gambia in perfect health, five only are at present alive, viz., three soldiers (one deranged in his mind), Lieutenant Martyn, and myself.

"From this account I am afraid that your Lordship will be apt to consider matters as in a very hopeless state; but I assure you I am far from desponding. With the assistance of one of the soldiers, I have changed a large canoe into a tolerably good schooner, on board of which I this day hoisted the British flag, and shall set sail to the east, with the fixed resolution to discover the termination of the Niger, or perish in the attempt. I have heard nothing that I can depend on respecting the remote course of this mighty stream; but I am more and more inclined to think, that it can end nowhere but in the sea.

"My dear friend Mr. Anderson, and likewise Mr. Scott, are both dead; but though all the Europeans who are with me should die, and though I were myself half dead, I would still persevere; and if I could not succeed in the object of my journey, I would at last die on the Niger.

"If I succeed in the object of my journey, I expect to be in England in the month of May or June, by way of the West Indies.

"I request that your Lordship will have the goodness to permit my friend Sir Joseph Banks to peruse the abridged account of my proceedings, and that it may be preserved, in case I should lose my papers. "I have the honour to be," &c.

"*To Mrs. Park.*

"Sansanding, 19th November, 1805.

"It grieves me to the heart to write anything that may give you uneasiness; but such is the will of Him who *doeth all things well!* Your brother Alexander, my dear friend, is no more! He died of the fever at Sansanding, on the morning of the 28th of October; for particulars I must refer you to your father.

"I am afraid that, impressed with a woman's fears and the anxieties of a wife, you may be led to consider my situation as a great deal worse than it really is. It is true, my dear friends Mr. Anderson and George Scott, have both bid adieu to the things of this world; and the greater part of the soldiers have died on the march during the rainy season, but you may believe me, I am in good health. The rains are completely over, and the healthy season has commenced, so that there is no danger of sickness; and I have still a sufficient force to protect me from any insult in sailing down the river, to the sea.

"We have already embarked all our things, and shall sail the moment I have finished this letter. I do not intend to stop or land anywhere, till we reach the coast: which I suppose will be some time in the end of January. We shall then embark in the first vessel for England. If we have to go round by the West Indies, the voyage will occupy three months longer; so that we expect to be in England on the first of May. The reason of our delay since we left the coast was the rainy season, which came on us during the journey; and almost all the soldiers became affected with the fever.

"I think it not unlikely but I shall be in England before you receive this.—You may be sure that I feel happy at turning my face towards home. We this morning have done with all intercourse with the natives; and the sails are now hoisting for our departure for the coast."—pp. lxxix.-lxxxii.

It is probable that he set sail immediately after writing these letters; and everything that has since been learnt of him rests upon evidence of an imperfect and indirect kind; sufficient, we fear, to justify the inference, that he has perished; but extremely unsatisfactory with respect to the details. It is justly remarked by his learned biographer, that the mere circumstance of almost ten years having elapsed without any tidings of him, furnishes the strongest presumption that he is no more; while the miserable state of his equipment, and the nature of the expedition he embarked upon, renders his destruction, within no long time of his departure from Sansanding, very

probable. Nevertheless, we shall state freely the points in the direct evidence which seem weak, and shall not hesitate to notice an omission or two of the editor in dealing with these. Isaaco's Journal is given at length; and at one place it breaks off, and we have apparently another Journal inserted, termed "*Amadi Fatouma's Journal.*" Amadi, or Amadou Fatouma, was the guide who accompanied Park from Sansanding on his voyage; and it was from him that Isaaco received the only account of what befel the traveller after his embarkation. But whether this was communicated in writing, or was only taken down by Isaaco from oral conference, we are not distinctly informed. There are some things which point each way. Thus the Editor (p. lxxxiii. and p. lxxxiv. note) commences the narrative of Park's death, in terms which lead us to conceive that narrative to be written by Isaaco, and to be part of his Journal; yet it comes under the head of Amadi Fatouma's Journal. On the other hand, the expression in the text, p. lxxxiii., of Isaaco having "received a Journal from Amadi," would lead us to believe that the latter had kept it. Isaaco himself unfortunately uses equally ambiguous expressions. He introduces Amadi's Journal, after stating, that he desired him to meet him, for the purpose of giving him "a faithful account of what had happened;" that he came at the appointed time, when Isaaco "desired he would let him know what passed, to his knowledge, concerning Mr. Park" (p. 207). He afterwards (p. 218) says, that "what Amadi related was upon his oath,"—and that "he is certain of the truth of what Amadi had said;" expressions somewhat equivocal certainly, but rather indicative of Amadi having spoken, and Isaaco written down the substance. Yet, in the same passage, he speaks of the relations of other travellers "agreeing with Amadi's Journal." The probability of Amadi keeping a written Journal at the time of the voyage, is not very great; but we are left in the dark as to this matter, from our ignorance of who or what he was, except that he had travelled a great deal in the interior

of Africa, which is mentioned in Park's last letter to Sir Joseph Banks (p. lxxviii.)[1]

The importance of the point now in question, will immediately appear from the consideration that Park's death is mentioned in Amadi's Journal only, and that this journal is in many respects exceedingly minute and detailed. There is a constant mention of sums and numbers, and sometimes of numbers of days, and once of the day of the week. Now this being delivered to Isaaco, five years after the occurrences happened, it is quite clear that if not written, it is much too minute to be at all entitled to credit. Of the supposition that it was written at or soon after the time, we are not at all disposed to think favourably; because there appears no adequate reason why an African guide, hired to accompany Park from one part of the interior to another, and there be dismissed, should keep a minute journal, admitting that he had the opportunities of doing so, which his own account of the difficulties and constant dangers of the voyage renders very unlikely—and it is at least equally improbable that he should, after his return to Sansanding, begin to commit his adventures to paper, especially as much less is said about himself than about Park, and nothing at all about his own proceedings except in their connexion with Park. It is indeed such an account as Isaaco might reasonably be expected to get from Amadi, by questioning him upon the subject of his own mission, and the particulars of Park's fate—except as to the details above mentioned; but not at all such a journal as the man was likely to keep for himself, and of his own proceedings.

Upon the whole, we rather incline to the supposition that Amadi *told* it to Isaaco—in which case, its particularity seems highly injurious to its credit. There seems moreover a suspicious anxiety to account for his leaving Park. He first (p. 212) makes Park voluntarily remind him, on entering the kingdom of Haoussa, that he had completed his contract, and might return.

[1] We presume the guide here spoken of is Amadi, though Park does not name him.

Soon after, he introduces a speech of his own to Park, reminding him that he had fulfilled his bargain, and had a right to return (p. 213). Now, it is not a little remarkable, that Park's own letter to Sir Joseph Banks (p. lxxviii.) states his having hired his guide to carry him, not to Haoussa, but as far as Kashna,—a much more likely bargain for him to make, if we reflect on the difficulty of finding a succession of trustworthy guides;[1] and a bargain not at all unlikely for Amadi to concur in, if we consider that he had formerly been as far as Bornou, and resided some time both there and at Kashna, according to Park's account (p. lxxviii). Amadi's account of the matter, however, is, that the contract expired the moment they entered Haoussa; and what is also to be noted, that he had no sooner left the party, than the fatal termination of the expedition arrived. His narrative is in many other points open to observation. He only receives the account of Park's death from one of the slaves who alone survived, and this at the distance of three months after the event. He himself was, it seems, imprisoned the day before the force was despatched after Park, and was only released three months afterwards. The imprisonment is carefully recorded, to account, as it should seem, for his being out of the way and lending no assistance by warning, or otherwise, to the traveller. He asked the surviving slave if nothing had been found in the boat, and was told, only a sword-belt. He asked what had become of it, and was informed the king had made a girth for his horse with it.—Isaaco very judiciously made search for it, and procured it; but whether he brought it with him to Senegal, or what became of it, or how it was identified, we are not informed, although it would have corroborated the statement. It seems, also, rather strange that Amadi, whose narrative is full of less interesting matters, should say nothing of two of the five whites, and that the slave should explain how each of the crew was disposed of, except these two.

[1] Amadi's story makes Park go on, after leaving him, without any guide.

It is just possible that he may mean to describe Lieutenant Martyn as jumping overboard with one; and the learned editor appears to adopt this as the *only* construction;—we apprehend erroneously. But still there would be one soldier to account for; and Amadi nowhere mentions any of the crew having died. The circumstance of one of the soldiers having been in a state of derangement, is also wholly passed over by Amadi, although likely to have been perceivable in the details in the voyage.—Upon the whole, the account is liable to many remarks unfavourable to its accuracy, and leaves us very little better informed as to Park's fate, than we might be from the mere knowledge of his forlorn situation, the dangers of his enterprise, and the time that has elapsed since he was last heard of. These considerations render it almost certain that he has perished; and highly probable that he ended his life on the Niger, within a few months after leaving Sansanding. The evidence of the slave and of Amadi Fatouma, may perhaps confirm this inference, and be credited so far as to make us believe that he perished soon after he had entered the kingdom of Haoussa. The minute details appear to rest upon too insecure a foundation to merit implicit belief.

Having stated thus much respecting the evidence upon which the account rests, we shall extract it, such as we have it in Isaaco's or Amadi's Journal.

"Next day (Saturday) Mr. Park departed, and I (Amadi) slept in the village (Yaour). Next morning I went to the King to pay my respects to him. On entering the house I found two men who came on horseback; they were sent by the Chief of Yaour. They said to the King, 'We are sent by the Chief of Yaour to let you know that the white men went away without giving you or him (the Chief) anything; they have a great many things with them, and we have received nothing from them; and this Amadou Fatouma now before you is a bad man, and has likewise made a fool of you both." The King immediately ordered me to be put in irons; which was accordingly done, and everything I had taken from me; some were for killing me, and some for preserving my life. The next morning early the King sent an army to a village called Boussa, near the river side. There is before this village a rock across the whole breadth of the river. One part of the rock is very high; there is a large opening in that rock in the form of a door,

which is the only passage for the water to pass through; the tide current is here very strong. This army went and took possession of the top of this opening. Mr. Park came there after the army had posted itself; he nevertheless attempted to pass. The people began to attack him, throwing lances, pikes, arrows, and stones. Mr. Park defended himself for a long time; two of his slaves at the stern of the canoe were killed; they threw everything they had in the canoe into the river, and kept firing; but being overpowered by numbers and fatigue, and unable to keep up the canoe against the current, and no probability of escaping, Mr. Park took hold of one of the white men, and jumped into the water; Martyn did the same, and they were drowned in the stream in attempting to escape. The only slave remaining in the boat, seeing the natives persist in throwing weapons at the canoe without ceasing, stood up and said to them, 'Stop throwing now; you see nothing in the canoe, and nobody but myself; therefore cease. Take me and the canoe, but don't kill me.' They took possession of the canoe and the man, and carried them to the King.

"I was kept in irons three months; the King released me and gave me a slave (woman). I immediately went to the slave taken in the canoe, who told me in what manner Mr. Park and all of them had died, and what I have related above. I asked him if he was sure nothing had been found in the canoe after its capture; he said that nothing remained in the canoe but himself and a sword-belt. I asked him where the sword-belt was; he said the King took it, and had made a girth for his horse with it."—pp. 213–215.

We are unwilling to enter upon any analysis of the Journal itself, because, having introduced the subject to the reader, we should be averse to any proceeding which might prevent even a single person from becoming possessed of the work, published as it is for the pious purpose of contributing to the comforts of Park's family, and by a bookseller who is understood to have gone as far as was possible in the liberality of his terms. We shall accordingly do little more than note the route pursued by the traveller, compared with the track of his former journey.

In 1795, he took his departure from Pisania, on the Gambia, and proceeded in a north-westerly direction, crossing the Faleme and Senegal rivers, and going as high as between 16° and 17° north latitude. He then inclined to the southward, until he reached the Joliba or Niger, almost opposite to Sego; and pursued the course of the river as far as Silla, where he stopped, and began his return journey up the river, the course

of which he followed as far as Latimakoo, where he quitted it, and crossed the Jallouka desert, and again passed the Faleme, but much higher than in his outward journey. He then moved in a direction parallel to the Gambia, and again reached Pisania, from whence he had set forth.

His present journal only goes as far as Sansanding, which is considerably short of Silla; but the route is materially different, and much shorter, coinciding for a considerable way with the homeward journey of 1796, and crossing the Fooladoo country to the northward of the Jallouka desert, and of his former return route. How far that route and the new journey coincide, and how far they differ, may be roughly estimated, by stating that the homeward route of 1796, passing through about fifteen degrees of longitude from Silla to Pisania, the new journey, as far as we have its authentic details, that is, from Pisania to Sansanding, passes through about fourteen degrees, for above nine of which it coincides exactly with the former return route,—that is, from Pisania to near Toombo in the Ronkodoo country, and from Koomikoomi to the Niger, and so along to Sansanding.

There are in this journal several new and interesting subjects handled. The information respecting Sansanding and its commerce is well worthy of attention: But unquestionably, the most important result of the journey, is the proof it has afforded, of the practicability of conducting a caravan of Europeans across that difficult country, which lies between the Gambia and the Niger, provided the proper season be chosen; and the utter impossibility of succeeding in such an attempt during the rains. Everything in the narrative bears witness to the fatal effects of the wet season, and equally proves the possibility of leading to the Niger a force apparently inconsiderable, but large enough to prevent insult from small bodies of the natives, and to protect a trading caravan against all ordinary risks.

There is no reasonable ground to doubt, that if the same expedition had set out at the right time, and with

perhaps a somewhat better selection of soldiers in respect of bodily constitution (for no trace appears of any improper demeanour among them), Park would have arrived at the Niger with a very trifling loss from climate, and with scarcely any diminution of his numbers from other causes. The voyage down that river would then have been begun without more chances of failure than every such undertaking is necessarily exposed to; and whatever might have been its ultimate issue (for that must have depended upon the course of the river, at present unknown), at all events there must have been several important discoveries made (and probably transmitted to Europe), with respect to the parts of Africa which lie nearest to Sego and Sansanding, including Tombuctoo and Haoussa. To whom the blame is imputable of setting out at the wrong season,—whether to the Government at home, for the delays which detained the traveller so long,—or to himself, for not deferring his departure from the coast until the rains were over, it is needless to inquire now. The fatal experience of this failure must at least prevent a similar mistake in future.

The volume concludes with an Appendix in six parts; the whole of which are written with the same judgment and conciseness which distinguish the biographical memoir. The first relates to the admirable effects of our system of universal education in Scotland; which are illustrated, not only by some excellent remarks, but by two very striking examples. Out of two thousand common beggars taken indiscriminately in London in 1803, it appeared that near 700 were Irish, and only 65 Scotch; and when it was found necessary to ransom the British prisoners, who had fallen into the hands of the Turks in Egypt, a double and triple ransom was almost uniformly demanded for the Scotch, whose intelligence and habits of industry, had thus rendered them so much more valuable to their barbarous owners.

The second Appendix relates to Tombuctoo, and consists chiefly of a reference to D'Anville's notice of

this city in 1754, and to a project for reaching it, formed, and partly executed by two Englishmen in 1794.—The third is occupied with settling the extent of Bryan Edwards's assistance in the preparation of Mr. Park's former volume of travels. The fourth, and the most important, contains a summary of the different theories or opinions as to the true termination of the Niger—drawn up with great sagacity and distinctness. The most ancient opinion, and that which has been recently adopted by Major Rennell, is, that it has no exit into the ocean, but diffuses itself in an inland lake, from which it is evaporated.—The objection to this is, that the existence of such a lake, or inland sea, is not alleged or even reported by any of the natives, and is, on all accounts, extremely unlikely.—The second hypothesis is, that it falls into the Nile, and constitutes the Western or White branch of that river. This, however, is considered by the present writer, and with reason, as the most improbable of all the conjectures—since the fact, if it were so, could scarcely be unknown to the caravans which go from Tombuctoo to Cairo—and since the level at which the Western branch falls into the Nile, which is far above the Cataracts, is very much higher than the Niger can be supposed to retain after a course of near 2500 miles. The third supposition is, that which was finally adopted by Park himself—that it takes a direction to the south, and ultimately terminates in the great river Congo, which, from the account that is here given of it, must be regarded as one of the most magnificent streams in the world—running with a rapidity of five or six miles an hour, and a width of nearly an English mile, for many hundred miles above its mouth, and a depth of not less than 50 fathoms. The greatness of the stream, it is contended, indicates a very long and circuitous course: And, it is stated by Park himself, on the information of his friend Mr. Maxwell, that its season of flooding corresponds exactly with that of the Niger, upon a fair calculation of the distance and velocity. The objections to this hypothesis are chiefly the enormous length of course which it would thus be necessary

to ascribe to the Niger—being upwards of 4000 miles, and exceeding considerably the known extent of any river in the world; and the difficulty of understanding how it should be able to penetrate across the vast chain of the Kong mountains, which are almost ascertained to extend over that whole parallel of latitude which must on this supposition be traversed by the head waters of the Congo. These difficulties we do not think by any means insuperable; and there are facts unquestionably in geography, by the fair analogy of which they may be easily accounted for. Upon the whole, therefore, we are rather inclined to adopt this hypothesis; and, at all events, we trust that the notoriety to which this vast river of Congo is now in a manner for the first time introduced by the publication before us, will induce either enterprising individuals, or some of those meritorious associations whom it more immediately concerns, to explore the great avenue into interior Africa, which it seems to lay open. From the statements of Mr. Maxwell, the intelligent correspondent of Mr. Park, it appears that this river is commonly used to bring down commodities to the coast, from a distance of upwards of six hundred miles, for the whole of which tract it affords a safe and commodious navigation, and in all probability much farther; —while it would rather seem that no European has yet ascended above one hundred miles from its mouth. If this be the same river with the Niger, the co-operation of an ascending or descending party would evidently offer great facilities and advantages; while, if it should turn out to be a different stream altogether, the access to the interior would thus be doubled.

The last hypothesis with regard to the mysterious Niger, is, that it turns to the south-west at an earlier part of its course than is implied in the preceding theory, and, dividing into various branches, falls into the Atlantic at the northern point of the Bay of Guinea, in that succession of streams which water the alluvial tract, from the Rio del Rey on the East, to the Benin River on the West. This hypothesis also

possesses considerable probability; and indeed may be considered as a modification of that which identifies the Niger with the Congo. It labours, indeed, under the additional difficulty of assuming that the various streams by which it is here supposed to discharge itself, are actually ramifications of one main river: and the objection arising from the obstacle of the Kong mountains, is equally applicable to both—as is also another of no mean weight, viz.—that there are no traces of Mahometanism, either among the nations on the Congo, or those in the northern part of Guinea, although the part of the Niger which has been explored is frequented by crowds of priests and devotees of that persuasion, whose zeal for the propagation of their faith could scarcely have failed of having led some of them, by so easy a communication, to the populous regions on its lower course.

The fifth Appendix is very brief, and relates to some of the natural productions of the track included in the Journal. The last is short also, and contains a summary account of the great increase of trade which has taken place with the African nations since the abolition of the slave trade. The whole annual importation of African commodities, before the abolition, did not much exceed 70,000*l.* In 1808, the first year of the abolition, it rose to 374,306*l.*; and in 1810, to 535,577*l.*, exclusive, in both years, of gold dust, which pays no duty at the Custom-house. The increase in the exports to Africa is still more astonishing. During the subsistence of the slave trade, these do not appear to have exceeded 50,000*l.*; whereas, in 1808, they were 820,194*l.*; and in 1810, 693,911*l.* Other statements are added, to show the prodigious increase of production, and consequently of wealth and industry, in those parts of the coast, especially, that were formerly desolated by that inhuman traffic;—and the subject is closed with the following judicious observations—

"The facts here stated relative to the extent of our innocent and legitimate commerce with the western coast of Africa, must be considered as highly interesting and important; both as showing how

extremely small that commerce was prior to the Abolition of the Slave Trade, and how much it has increased during the very few years which have since elapsed. This increase has certainly been much more considerable than there was any good reason for expecting, under the actual circumstances of the case.

"If we were told of a country, whose staple article of export trade consisted of its own inhabitants, its men, women, and children, who were procured (as must necessarily happen in the case of large and continued exports) by treachery and violence—where the whole population was either living in continual apprehension of captivity and eternal banishment from their native soil, or employed in contriving the means of inflicting those evils upon others—we should at once conclude that the very insecurity of person and property, which such a state of society implied, would of itself extinguish all the motives to regular industry, and limit the culture of the soil very nearly to what was required for supplying the immediate wants of nature."—pp. cxciii., cxciv.

"But even under much more favourable circumstances than we have reason at present to expect, it would by no means follow that the mere removal of that great obstacle to regular industry and commerce, would in any very short space of time produce considerable or extensive improvements. The ignorance, the profligacy, the improvidence, and the various other moral evils which necessarily accompany the Slave Trade, will, it is to be feared, long survive the extinction of that traffic which produced and fostered them. The whole history of mankind shows that the progress of civilization is always extremely slow during its earliest stages; and that the first steps in the career of improvement are constantly the most painful and difficult. Hence, we may be justified in drawing the most favourable conclusions from the comparatively great increase which has already taken place in the commerce of Africa during a very short period, in consequence of a *partial* removal of those evils which previously had almost excluded the very possibility of improvement."—p. cxcvi.

We now lay aside this interesting volume; and bid a mournful farewell to that amiable and illustrious man, whose last sufferings and exploits it is destined to record;—sufferings, borne with an unaffected cheerfulness of magnanimity, which must both exalt and endear him to all who are capable of being touched with what is generous and noble in character,—and exploits performed with a mildness, and modesty, and kindliness of nature, not less admirable than the heroic firmness and ardour with which they were conjoined. In Mungo Park, we are not afraid to say, that the world has lost a great man,—and one who was as well qualified, as he was undoubtedly inclined, to have been

one of its greatest benefactors. The account which is here given of him, is in the highest degree interesting,—not merely to those who care about Africa, or the great schemes to his zeal for which he fell a martyr, but to all who take delight in the spectacle of unbounded courage and heroic ardour, unalloyed with any taint of ferocity, selfishness, or bigotry :—And the picture which his excellent biographer has here exhibited, will not be the less touching or impressive, to those who are qualified to relish such subjects, that the modesty of the touches, and the subdued tone of the colouring, indicate in the artist some of the same qualities, which gave grace and effect to the virtues of the original.

# COLUMBUS.

(DECEMBER, 1816.)

*Della Patria di Cristoforo Colombo. Dissertazione pubblicata nelle Memorie dell' Accademia Imperiale delle Scienze di Torino. Riestampata con Quinte, Documenti, Lettere diverse, &c.* 8vo. Pp. 420. Firenze. Molini.

*Raegionamento nel Quale si conforma l'Opinion Generale intorno alla Patria di Cristoforo Colombo,—Presentato all' Accademia delle Scienze, Lettere, e Arti di Genova,—Nell' Adunanza del di* 16 *Decembre* 1812, *dagli Accademica Serra, Carrega e Piaggio.*

MACHIAVEL begins his discussion of the question, whether Dante wrote Italian, Tuscan or Florentine, by a remark so extremely absurd, that, we venture to assert, the most foolish of the common herd of writers would never have ventured to make it, if indeed we except some of the newspapers, who appear frequently to transcribe it. He says, that it is the duty of a good patriot, in all controversies in which the honour of his country is concerned, to lean towards that side which makes for it,—thus wholly destroying the weight of his own statements, by a plain avowal, that he speaks not from his opinion, but from party motives. The learned Academicians who carry on the controversy concerning Columbus's birthplace, seem to act pretty much upon the doctrine of the Florentine secretary. The Academy of Turin having published, in its Memoirs, the first of these tracts, in support of the opinion that the illustrious Navigator was a Piedmontese, the Academy of Genoa comes forward to claim him as a Genoese; and avows, pretty directly, that it does so, not for the love of truth, but from the patriotic views commended by Machiavel, for it appoints the three learned persons

whose names are mentioned above, as a committee, "to compare with the general and old opinion," the one promulgated in Piedmont. We believe no doubt will be started, that the committee appointed to "compare," was expected to report the arguments against the pretensions of the neighbouring nation. We could not avoid remarking this very unseemly mode of investigating the *truth*, as peculiarly unworthy of scientific bodies; yet it is equally certain, that the argument is conducted on the part of the Genoese committee with great ability, and to the complete discomfiture of the Piedmontese disputant. Although the great statesmen who preside over the destinies of "England, of Europe and the world," (to use their own phrase,) have thought proper to unite Genoa to Piedmont, and have, we conclude, imagined that their good pleasure would instantly make the two countries one, extinguishing all rivalry and jealousy; we must nevertheless so far adhere to the ancient order of things, as to take notice of this historical question, and consider the Genoese and Piedmontese as distinct nations. As the Dissertations before us, more especially the first, are marked by the fatiguing prolixity so generally observable in Italian prose compositions, we shall certainly not attempt to follow them closely into all the branches of the subject. It will be sufficient to give a general outline of the argument, as maintained upon both sides.

Dr. Robertson has observed, that the birthplace of Columbus cannot with certainty be ascertained;[1] and other historians have always concurred in the same expression of doubt. The learned authors, whose papers are before us, leave the question where they found it as to the *birthplace*, which must be admitted on all hands to be unknown; the argument relating only to the origin or domicile of his family. Accordingly, we find the reasoning upon both sides ushered in with disquisi-

[1] Hist. of America, Book II. He makes, indeed, the same remark with respect to the time of his birth; but, in a note at the end of the book, he clearly fixes it, upon the authority of Columbus himself, to have been 1447. Note XI.

tions somewhat of a legal form, upon that which constitutes a man's "*patria*." Signor Napione, author of the Turin Dissertation, observes that though it were granted that Columbus's father had left the residence of his family, and lived in the Genoese territory at the time of his son's birth, this accidental circumstance would not make the latter a Genoese. To fortify this opinion, he cites various well-known cases. Thus no one denies, that Prince Eugene belonged to Savoy, though he was born in Paris; nor do we call Boccaccio a Parisian, because, beside being born there, his mother was a Frenchwoman. So Petrarch and Galileo are deemed Florentines, though born at Arezzo and Pisa respectively; and Ariosto a Ferrarese, though born at Reggio. It will bring this matter more home to our readers, if we remind them, that one whom we justly rank among our greatest men, the late Dr. Black, was born in Bourdeaux. Yet we question whether the French might not have put in some claim to the honour of being called his countrymen, if, beside being born in their territories, he had passed a great portion of his life among them, including the whole period of his infancy and education; and had left them, at a mature age, not to return to the country of his ancestors, but to establish himself in some third domicile. Now this is the case of Columbus, upon the supposition of his being born in the Genoese territories; and wherever he may have been born, even as Signor Napione does not pretend that he was born in Piedmont, or that he ever returned thither, or settled there, we cannot help suspecting, that this radical part of his argument is rather less sound than he seems to think.

The Genoese Academicians, on the other hand, prefix a whole chapter "*della patria*," with citations from Vattel. They admit, that a man's birthplace is not always to be deemed his native country; but they contend that, generally speaking, it is so; and that the exception is when he happens to be born while his parents are for a temporary purpose sojourning abroad. They hold the *patria* to be the country in which a man's

parents had their fixed residence,—what the lawyers call their *domicile*,—where they lived at the time of his birth, "*cum animo remanendi.*" We leave the contending academies to settle this point between them, holding it a mere dispute about words, and taking the real question to be, whether Columbus was of a Piedmontese or a Genoese, or, as a third opinion has alleged, of a Placentian family.

Signor Napione, the champion of Piedmont, and his learned and very prolix editor (not that the author is himself at all deficient in prolixity) contend, that the family of the *Colombos* were anciently established as feudal lords of the Castle of Cuccaro, in the Montferrato. He is not the first supporter of this opinion, but he brings new evidence in its behalf. We mention here briefly and speedily the result of his reasonings; but the reader would be egregiously deceived, who should imagine that the Dissertation arrives so quickly at a disclosure of the truth. After the preliminary remarks upon native countries in general, we have a long chapter in praise of Columbus, and of his extraordinary enterprise, exceedingly well garnished with quotations, especially from the poets. Then comes another chapter upon the importance of ascertaining his country, which the author holds to be extreme, but ingenuously admits that the discovery is not of equal value with that of America.[1] A third follows, upon the uncertainty of his birthplace; a fourth, to prove that he was not a Genoese; and a fifth, to show why his origin is a matter of so much obscurity. We then have an account of the manner in which Fernando, Columbus's natural son, describes his family and his education, and another chapter upon the writers who, with imperfect information as to the proofs, traced his origin to the Castle of Cuccaro. Nor is it, properly speaking, before the eighth chapter, that the learned and copious author enters upon his own argument. We need not stop to

[1] "Io certamente non diro mai che lo scoprir la patria del Colombo sià impresa da equagliarsi allo scoprimento dell' America."—p. 21

analyze the chapters which have now been referred to, except as far as respects the reasoning against the Genoese. The evidence of his son, Ferdinand, is important. He wrote, as is well known, a very interesting history of his illustrious father's life; and it is remarkable, that although he had been brought up by him, and lived much with him, and was sixteen years old at the time of his death, he knew nothing decisive of the question. He mentions Nerir, Cogoreo, and Bugiasco, three small places near Genoa, as being "pitched upon by those who desired to cast a shade upon the renown of his father"—"while others" (he adds) "wishing to exalt it, described him as a Savonese, Genoese, or Placentian."—But between these different accounts he pronounces no decision: He only says, that while God was pleased to give him all the endowments necessary for the success of his great enterprise, he also ordained that his native country should be unknown.—Moreover, it is worthy of remark, that he came to Genoa with the view of prosecuting his inquiries into matters relating to his father, and was well received by the principal persons of the city: yet he appears to have found no evidence sufficient to cast any light upon the matter, Our author, however, admits that Oviedo, a contemporary writer, and who was a page in the Spanish Court, states the report among his countrymen to have been universally, that Columbus was a Ligurian.

Let us now see how the position is made out, that the Castle of Cuccaro was both the domicile and the property of the Columbus family. The argument comes ushered in with apologies for the sources from whence it is drawn, namely, the dry and uninteresting records of a court of justice; but, adds the author from Catullus —the lily springs from rotten soil. We could very easily get over this objection to it, if there were not much more fatal ones, as we shall presently see. Columbus, as is well known, obtained from the Crown the right of creating a Magorasco, or entail in his family, upon a certain series of heirs. About seventy years after his decease, the line of male descendants failed, by

the death, without issue, of Diego, his great-grandson. A question then arose between Don Migno di Portogallo (grandson of Columbus's granddaughter), Count of Gelves, and two obscure foreigners, who came over to claim this magnificent inheritance, under the original settlement of the admiral. These were a certain Bernardo Columbus, of Cogoleto, in the Genoese territory, who was speedily disposed of by the Court, and one Balthazar Columbus of Cuccaro, who was a much more pertinacious litigant. We need not trouble our readers with the particulars of this question, further than to state, that it was finally decided in favour of the Count of Gelves, *upon the construction of the will*; the Court being of opinion that although Balthazar stood in the relationship to the testator which he pretended, namely, that of his uncle's great-great-grandson, still he was excluded by the issue of the granddaughter, in respect of the limitations in the entail.[1] Now the author of the Dissertation has, it seems, for the first time, got possession of a complete set of these proceedings: and he contends that they prove the fact of the claimant's relationship; and the claimant, it is said, was certainly of the Cuccaro family. First, he maintains, that it was admitted by the other party; and he comments legally and technically, according to the doctrines of the Roman law, upon the force of a judicial admission. We can assure the reader, without dragging him through the particulars, that there is nothing like an admission in the proceedings. It is only at the utmost, and even by the author's own showing, the kind of admission which a party makes, who says, "Grant all my adversary asserts in point of fact to be true, and still he has no case in law;"—it is in short a demurrer, and nothing more. But in truth it was not even so much as that. Balthazar, by the length of the proceedings in his hopeless cause, fell into extreme poverty, and applied for an alimentary provision out of funds left by the

[1] It was a question similar to those so well known in England, respecting the construction of limitations upon an indefinite failure of issue.

admiral for the benefit of his needy relations. As one of these, he threw himself upon the mercy of the opposite party, who only said, he should not oppose the application to the Court, provided it were without prejudice to his right and title. The Council of the Indies, however, the Court who tried the cause, and had the disposal of the funds, after a year's deliberation, rejected the claim, and decided against the claimant, soon after, upon the merits of the case. Now, as the Genoese academicians well remark, it is worthy of observation, that in this decision against the claim of aliment, the Court had nothing to consider but the single question of Balthazar's relationship, that is, of Columbus's being of the Cuccaro family; and further, that by the rules of law in questions of aliment, the utmost strictness of proof is not required. "Non est procedendum rigorose et per apicem juris; sed sufficit id ex quo *suspicari possit* victoriam ad actorem pertinere." So that, as far as the judicial proceeding is evidence in the present controversy, the weight lies against the argument of the Piedmontese authors. Indeed, they appear to be aware of this themselves; for, with a degree of disingenuousness only to be found in controversies where the petty feelings of national animosity at once encourage and blind the combatants, they have suppressed all mention of the decision. They pompously detail the admission of the parties, and draw from thence an argument, that the relationship was clearly proved. They do not add, that the Court declared its opinion to be the reverse; and, after this notable piece of candour, they add, "potra ciascuno di noi esclamare con intima compiacenza, come già Archimede, *ho trovato*." *Diss. p.* 72.

The next proof urged in defence of their position, is, if possible, more feeble; it is the opinion of Sordi, a famous lawyer of those times, we are told, upon Balthazar's case. This opinion is brought out with the usual parade and boasting of these learned persons, as a new and irrefragable evidence in the controversy, and compared to pure gold found in rocky places. To be sure we are somewhat let down in our expectations of the

value of this treasure, by the first sentence of the statement, namely, that the proof is contained, not in anything said by Sordi, but in his silence. It seems his opinion was taken after Balthazar's evidence to prove his pedigree had been adduced; and he gives his answers in Balthazar's favour, with his reasons, saying nothing that implies any doubt of the relationship being established. Now, we have carefully examined all that the author of the Dissertation has thought fit to give of this opinion, and the reasons in its support; and the reader may rely upon it, that the case laid before Sordi took the proof of the pedigree for granted. A tree was given, to which he refers; and the question put to him related merely to the point of law, the construction of Columbus's will.

The proofs adduced by Balthazar in the cause, to trace his relationship, form the next and most material part of the Piedmontese argument. A variety of witnesses, it seems, were examined in the neighbourhood of Cuccaro, who all spoke to the report of the admiral's being a descendant of the family. They asserted that they had heard a hundred and twenty-eight different persons speak of this; and three of the witnesses said they heard it from a certain Cornacchia di Vignale, who had sailed with Columbus. As for the documentary evidence, it consists of feudal investitures, which prove nothing more than that certain persons of the name of Columbus were proprietors of Cuccaro, a thing not denied by any one. The only matter, then, to be regarded, is the depositions of the witnesses. Now, it must be observed that they all came from the spot, and at a period when the national vanity was concerned in proving Columbus to be a countryman, as well as in gaining Balthazar's highly important cause against the Spanish claimants. Besides, they differ among themselves; some outstripping others in their zeal; as might be expected in such circumstances. Thus, one says that Columbus and his brothers were *born* at Cuccaro, which never has been pretended by any other person, and is formally disclaimed by Balthazar himself. Further, it

must be remembered that all the witnesses were speaking to an event about a century and a half prior to the time of their examination. As for those who cited the testimony of Cornacchia, we must observe, that they differed materially in their accounts. One said that Cornacchia told him he had sailed with Columbus at the age of twenty, and been discharged for sea-sickness; another, that he was a hundred and twenty years old when he died; and a third, that he sailed in Columbus's first voyage to the West Indies, which was in 1492, and would make Cornacchia's age thirty at the least, instead of twenty, the evidence being given in 1583; but as the man was dead some time before, he must have been considerably above thirty at the date of the voyage.

But, not to mention the impossibility of one discharged for sickness sailing on the voyage of discovery, the story told by these witnesses, and that of Balthazar and of Signor Napione himself, is wholly destitute of probability, and quite irreconcileable with the known facts, more especially with the statements of Don Ferdinand, the admiral's son. No one can believe that the latter could have been ignorant of the origin of his family, if it was so currently talked of by his father, that a man who was on board his ship a few days, and then sent ashore as unfit to keep the sea, knew all about it. The ignorance of Ferdinand plainly shows that for some reason or other Columbus avoided the subject. It is equally incredible, that the facts which Ferdinand could learn nothing of when he visited Genoa, should, twenty years afterwards, be so well known to every body in the neighbouring territory of the Montferrato. But, most of all is the discrepancy to be noted between what he says of his family being in a reduced state, and what the Piedmontese story sets forth. Ferdinand's words are, that the admiral's progenitors were of noble origin, but fallen by reverse of fortune into great necessity and distress; and that he had not been able to discover how they supported themselves. This is surely a very different account from

that of the Cuccaro witnesses, and Piedmontese academicians, who make them lords of castles; and that of Balthazar, who says the admiral's grandfather was so important a personage, that he left the guardianship of his children to the sovereign of the country at his death. Signor Napione, indeed, seems aware how much this discrepancy is likely to affect his hypothesis, for he devotes a chapter to an attempt at reconciling it with Ferdinand's narrative. As a single failure in this attempt is sufficient to decide the question, we shall go no further than to show, that his own account leaves the family much too wealthy to answer Ferdinand's description. In page 97, where he is trying to bring down the share that fell to Domenico, the admiral's father, of the grandfather's castles, he omits one, Conzano, altogether. But his share of Cuccaro alone is admitted to be worth fifty[1] *scudi-d'oro* a year; equal to above three hundred at the present time;—a fortune which, we apprehend, no native of Piedmont would, even at this day, describe as importing "great necessity and distress." Besides, it is to be remarked that Ferdinand's account is wholly inconsistent with the supposition of the admiral's father having been the first poor man among his ancestors, or rather, we should say, the first man not in great affluence; and Signor Napione is compelled to admit, that according to his story the grandfather had, from one of his castles alone, a revenue equal to above six thousand scudi-d'oro of the present day. We conceive this failure in the description to be so fatal to the identity of the Columbus family of Cuccaro with that mentioned by Ferdinand, that no further reasons need be offered to destroy the hypothesis of the admiral being a Piedmontese. But, before dismissing Signor Napione's work, we must protest against so confident an appeal to judicial proceedings in questions of historical research. No doubt, the rules of evidence adopted by Courts of Justice are in many cases as strict, and in some more strict, than

[1] The author says a *twentieth* in one line, and an *eighteenth* in another. We take the smallest sum.

those which guide the historian in his decisions upon disputed facts. But one circumstance perpetually interferes to prevent our relying upon the facts admitted or held to be proved in those courts; they must decide for or against; they cannot leave the matter doubtful:—whereas the historian is not bound to determine, and follows no such peremptory injunction, but may leave any point undecided, if there be not satisfactory means of ascertaining it.

We have already remarked, that the tract of the Genoese academicians is much abler, and more conclusive;—it has also the great advantage of being incomparably more concise. Indeed, it is neither interrupted by the endless digressions, nor loaded with the disproportioned appendix, which render the other work hardly legible. We have anticipated the arguments by which these learned and ingenious persons refute the position, that Columbus came from Cuccaro. It remains only to state, shortly, the substance of the evidence in favour of the received opinion, that he was a Genoese; for those who contend, that he came from Pradello, in the Placentian territory, have not only to get rid of a strong expression against this notion, used by Ferdinand in his History, but the document upon which they principally rely, an award made respecting a claim to the property of Domenico, the admiral's father, *ab intestato*, during the absence of his sons,[1] is both liable to just suspicions, and proves, if admitted to be authentic, that Domenico had been long established at Genoa. Upon the whole, the received opinion seems the best founded, and the least liable to any fatal objections; although from the circumstance of the admiral's family having fallen into great misery and obscurity, it may be impossible to ascertain the point precisely.

It has been generally believed in that country, that

[1] They are described as having gone abroad long ago in quest of unknown islands, and never since been heard of—an expression quite inconsistent with the great fame of the expedition, and the speedy success that attended it.

the immediate ancestors of Columbus were engaged in the weaving of woollen cloths; and that some of them were seafaring men. Now, several documents are produced, of unquestioned authenticity, in which transactions are recorded respecting the sale, and transportation by sea, of that commodity, by persons whose names agree with those of his family, as do also the dates of the instruments with the time of their living. It deserves, too, to be mentioned, that Balthazar, in the course of the lawsuit, repeatedly admits the admiral to have been born at Genoa; and that Saliviero, a learned lawyer of that age, and the historian Herrera, also a contemporary, adopt the same opinion, without hesitation. But the chief evidence is drawn from a will of the admiral, dated in 1497, in which he expressly describes himself as a Genoese, and bequeaths a legacy to the Republic. This being decisive of the question, if allowed to be genuine, its authenticity has been attacked by the advocates of the opposite positions – principally on the ground of the Republic never having claimed the bequest, and of a pretended singularity in the subscription. Here the proceedings in the lawsuit are of material use towards proving the document. It was given in evidence, and mainly relied on by one party. The others never disputed its authenticity at all; they only denied its validity as an entail of the property and offices. Balthazar himself at first asserted, that it was not a valid entail; but he finally admitted it to be clothed with all the requisite solemnities. It is alleged, that Don Ferdinand makes no mention of it in his History. But if this argument were admitted, it would prove that the admiral made no will at all, as he alludes to none; yet all parties admit the making of some will or other. There are several corroborating circumstances produced by the Genoese academicians in behalf of the document, which we shall not enter further into, than to observe, that no reasonable doubt of its authenticity seems to remain; and we are therefore spared the trouble of any more detailed statement of their argument in support of the commonly received

opinion. It may only be proper to take notice of the supposed objection, drawn from a source deserving of the utmost attention, the History of Don Ferdinand; in which it is said, that some derived his birth from three small places near Genoa, and others from Savona, Genoa itself, and Placentia; but that all the writer can say, is, that God has left it uncertain. From another passage, however, it seems pretty clear, that he himself, however uncertain as to the precise spot, believed it to be on the sea-coast, and consequently in the Genoese territory. For he says, with his wonted simplicity and piety, "that some persons would have had him essay to trace the admiral's descent from noble blood, but that he refrained therefrom,—believing that our Lord, who had elected him for so great a work as the one he did accomplish, and appointed him his chosen apostle, as in truth he was, willed that he should be like the other apostles, whom he had called from the *seas and rivers*, and not from high places and palaces, to make known his name to the nations." We must add a remark, with regard to the argument drawn from the passage commonly given in histories of Columbus, and adopted by Dr. Robertson from Herrera, that he first made an offer of his services in the Voyage of Discovery to the Republic of Genoa, as his native country. There seems very great doubt respecting the truth of this received anecdote, and accordingly, the Genoese academicians do not rely upon it.—In fact, the earliest Genoese writers who mention Columbus, Gallo and Senarega, do not in any way allude to it; and Pietro Maffei not only makes no mention of the proposition to the Genoese government, but expressly says—"Lusitano *ante omnes* Regi illam expeditionem suasit:" whereas the common story is, that he gave the preference to his countrymen. We thought it fair to remove this undue addition to the weight of an argument sufficiently powerful without it.

We shall close this article with calling the reader's attention to a document of great curiosity in the history of the illustrious man of whose origin we have been discoursing, and which nevertheless appears to have been

almost entirely overlooked by the celebrated authors who have treated of his story. It is a letter written by him upon his return from the first voyage in which he discovered the New World. He landed, as is well known, at Lisbon, and remained there a few days before sailing for Palos, from whence he had departed. During that short residence, afraid, it should seem, lest some accident of the sea might prevent him from reaching the seat of the Spanish government, as indeed he had suffered severely from two recent storms, which had placed in the utmost hazard his return to Europe, he addressed to one Don Raphael Sanzio, of the King's Council, a concise but very interesting narrative of his prodigious discoveries. Of the original Spanish letter, we have not been able to learn anything; nor do we believe that it ever was published; for Munoz, who mentions his having seen it, says, that it was in the "Manuscript History of Bernaldez, who had preserved it almost entire." That this precious document should never have been printed, will excite the less surprise when we recollect that there is great reason to doubt whether the original work of Don Ferdinand himself was ever published. This at least is certain, that for ages it has only been known through the Italian translation; that no older edition of any kind is extant; and that no author ever has mentioned the original Spanish.

Of the letter of Columbus, then, we have only a Latin translation, which is extremely rare, as it should seem, from the historians having made hardly any mention of it. Even Dr. Robertson, the most diligent of mankind, appears to have been ignorant of its existence. He makes not the slightest allusion to it: nor does Don Ferdinand, in his work already so often referred to. There is a copy of this letter in the Brera library at Milan, printed in 1493, and the only one extant of that most ancient edition. We have seen three other copies in the French King's library at Paris, and compared them with this. The one most nearly resembling it, forms part of a work published in 1494, and entitled, "*Caroli Verardi in laudem Serenissimi Fernandi Hisp. Reg. &c.*

*&c. Obsidio, Victoria et triumphus et de insulis in Mari Indico nuper repertis.*"[1] The latter part of the title is found to refer wholly to Columbus's letter. It is printed again in a collection of six pieces by Henricus Petrus at Basil, in the year 1533, who says he took them all "*ex antiquo et scripto exemplari.*" And it is given, with less correctness, in the collection called Hispania illustrata, tom. ii. p. 1282, published in 1603 at Frankfort. The only two other copies known to exist, are the one in the Magliabecchi Library at Florence, described by Fossius, and another at Rome, in the Casanata Library. The English translation, which we shall subjoin, of this piece, is from the Milanese copy, the most ancient and correct, together with the MS. note upon it. We have a few particulars further to premise.

It is clear, that the admiral confines himself to a very short account of his grand discovery; for he makes no mention of some of the incidents which most touched him personally, in the course of his voyage. Thus, he says nothing of the discontents and mutiny of his crew; the alarm excited by the variation of the compass; the loss of his vessel by shipwreck in the West Indies; the desertion of Pinson; the separation of the Pinto, which, it must be observed, had not rejoined him when the letter was written,—for she arrived after him at Palos. Nor does he allude to the two violent storms on the voyage homewards, one of which had so nearly prevented his return. With respect to the more public transactions, he scarcely omits any of importance. From these omis-

[1] Our readers will be edified with the following specimen of the strain in which true Castilians venerate their legitimate Sovereign. After exulting in his great attributes, the panegyrist comes to the fruitful topic of his vast power, and says, "De auctoritate in rege presertim supervacaneum est dicere; quem omnes socii et populares colunt ut deum; nostri *metuunt ut pestem.*" To the worship of his neighbours, the Royal descendant of Ferdinand may have succeeded for anything we know; to the peculiar species of veneration rendered to that Prince by his faithful subjects, we believe he has pretty fully established his claims—and so loyal a people are not likely to withhold it.

sions, no discredit is thrown upon the document, which is incontestably genuine. But a very extraordinary circumstance might seem at first to occasion some doubts. Columbus says, that he arrived in the Indian Sea the thirty-third day after his departure. Now, by the concurrent testimony of all historians, from Don Ferdinand to Dr. Robertson, he sailed from Palos the third of August 1492, and discovered the island of Guanahani or St. Salvador, on the night of the eleventh of October, or rather at two in the morning of the twelfth. Nor is it possible that he could have made the passage in the shorter period, under the difficulties of a first voyage, and including his stopping at the Canaries. We take it that this difficulty is easily removed, by attending to the words of the translation. "Tricesimo tertio die postquam a *Gadibus* discessi." He never sailed from Cadiz—but from Palos; and "*Gadibus*" must be an error of the translator or his printer for *Gomera*, the Canary Island whence he took his departure; and where, as Robertson observes, the voyage of discovery may be said properly to begin. Now, according to Don Ferdinand, he left Gomera on the sixth of September; and thirty-three days from that brings him to the ninth of October, when he certainly was in the Indian Sea, and so confident of making land, that he only desired his mutinous crew to bridle their impatience for three days longer, and assured them of landing within that time, as in fact they did. If, however, the time refers to his discovering land, and not to his arrival in the Indian Seas, then we submit that the difference of three days is easily accounted for, upon the supposition of the number having been originally written in figures thus, XXXVI; and the translator or printer having copied III, instead of VI, by a natural blunder.

Don Ferdinand says, that he entered the Tagus on the *fourth* of March 1493—came before Lisbon on the *fifth*—was sent for by the King on the *seventh*—departed for Seville on Wednesday the *thirteenth*—and arrived at Palos on Friday the *fifteenth*. Dr. Robertson states his

departure on the ninth, which was the day he returned from his visit to the court. Now, the letter is dated the *fourteenth*. But this seems a discrepancy of no moment. In all probability, the date was written XIII. in the original Spanish; and the translator, or the copy from which he wrote, made it XIV.

*Translation of* COLUMBUS'S *Letter from the Latin of the Milanese Edition,* CONCERNING THE DISCOVERED ISLANDS.

*A Letter of Christopher Columbus (to whom our age is much indebted) concerning the Islands lately discovered in the Indian Sea—in search of which he had been sent eight months before, under the auspices, and at the expense of the most invincible Ferdinand, King of the Spains—addressed to the Magnifico Don Raphael Sanzio, Treasurer of the same most Serene King: Which Letter, the Noble and learned Aleander de Cosco has translated from the Original Spanish into Latin—on the third of the Kalends of May* 1493*—in the first year of the Pontificate of Alexander Sixth.*

HAVING now accomplished the undertaking upon which I set out, I know that it will be agreeable to you to be informed of all that I have done and discovered in my voyage. On the thirty-third day after I had left Cadiz I reached the Indian Ocean, where I found a great many islands, peopled by innumerable inhabitants, of all which I took possession, without resistance, in the name of our most illustrious King, with public proclamation and hoisting our colours. To the first of these islands, I gave the name of the Divine Saviour, trusting to whose protection I had reached it and all the rest. Its Indian name, however, is Guana-hanyx. In like manner, I gave new names to the whole. One was named from Holy Mary of the Conception—another Fernandina—another Isabella—another Joanna—and in like manner of the rest. When we landed upon that island, which, I have just said, was named Joanna, I proceeded along its shore, somewhat towards the west, and found it of so great an extent, without any apparent termination, that I conceived it not to be an island, but part of the Continent—a province of Cathay. However, you see neither cities nor towns situated on its shores—only a few villages and rural farms. I could not enter into conversation with its inhabitants; and, accordingly, as soon as they saw us, they took to flight. I advanced forward, thinking that I should find some town, or country houses; but, at length, perceiving that nothing new was likely to appear, however far we might go—and that our progress was carrying us directly north, which I was particularly desirous to avoid, as winter was now set in, and the winds were besides favourable for our voyage southwards, the direction which I wished, I determined to make no further search, but returned to a harbour, whose situation I had marked. I notwithstanding sent from hence two of our men into the country, to inquire whether there were any king or cities in the province.

They pursued their course for three days, and met with innumerable people and inhabitants—a paltry race, however, and without any government;—so they returned. I had, in the mean time, been informed by some Indians, whom I found there, that the country was in fact an island. I accordingly proceeded towards the east, always keeping along the shores, for three hundred and twenty-two miles, where the island is terminated. From hence I saw another island to the east, distant from this of Joanna fifty-four miles, to which I immediately gave the name of Hispaña, and made for it. As I had before done at Joanna, I coursed along it to the east, by the north, for five hundred and sixty-four miles. Joanna, and the rest of these islands are astonishingly fertile. This one is surrounded by the safest and most admirable harbours which I ever saw: There are likewise in it many very lofty mountains. All these islands are very beautifully shaped, in a great diversity of forms. They abound in the finest variety of trees, so lofty that they seem to reach the stars—never, I believe, without foliage; for, when I saw them, they were as beautiful and green as our trees in Spain are in the month of May—some in flower—others bearing fruit—others in a different state, but each most suited to its quality: The nightingale, and innumerable other birds of all kinds, sung amidst their shades; and yet it was the month of November when I passed under them. In the above-mentioned island of Joanna, there are moreover seven or eight kinds of palm-trees; which, for stature and beauty (as indeed may be said of all their other trees, herbs, and fruits), far surpass ours. There are pines, too, of an admirable beauty—fields and meadows of the utmost extent—birds of many different species—honey of various flavours—metals of all kinds, except iron. In that one which, as I have already said, I called Hispaña, the mountains are the highest—the country and woods are of great extent—the meadows very fruitful, and particularly well adapted for corn, pasture, or the situation of houses. The convenience of the harbours in this island, and the abundance and salubrity of the rivers, must almost exceed the belief of those who have not seen them. Its trees, pastures, and fruits, are very different from those in Joanna. It abounds, besides, in various sorts of aromatics,—in gold and metals. Of this island, and of all the others which I have seen or obtained any knowledge of, the inhabitants go naked, both sexes alike, just as they were born; except that some of the women have a leaf, or some sort of cotton covering, which they themselves prepare for that purpose, about their middle. As I have already said, all these people are utterly without iron of any sort;—they are also without arms, of which they know not the use, and indeed would be ill adapted to make use of them; not from any bodily defects, for they are well formed, but because they are remarkably timid and fearful. The only kinds of arms they possess are canes parched in the sun, on the roots of which they fix a sort of spearhead of dry wood sharpened into a point: Yet these they do not often dare to use—for it frequently happened that when I had sent two or three of my men to some of the villages, that they might have communication with their inhabitants—a whole body of Indians would come

out;—but no sooner did they see our men approach, than off they set, parents deserting their children, and children their parents without any scruple. Nor was this owing to any violence on my part, as I was particularly anxious that they should meet with no injury; on the contrary, among whatever people I landed, or whom I could bring to a conference, I always imparted to them, in quantities, whatever I happened to have—such as cloths and many other things—nor took anything from them in return.—But they are by nature of a very timid disposition.—Whenever they know themselves to be in safety, however, and get over their fears, they are an uncommonly simple and honest people—very liberal in bestowing whatever they possess.—They never refuse a request: nay they themselves invited us to make demands of them.—They have in truth a show of the greatest goodwill to all: they give things of great value for what is of scarce any—and are indeed content with very little or almost nothing in exchange. I however made a point that they should not be imposed upon by the very trifling and worthless articles which were apt to be given them, such as broken bits of earthenware, or of glass—likewise nails;—although the truth is, if they might but obtain these, they thought themselves possessed of the most beautiful ornaments in the world. A sailor, on one occasion, got for one nail as great a weight of gold as would have made three golden nobles: and in the same way, for other articles of still less value, they gave whatever the purchaser was inclined to ask them.—But because I felt this to be an unjust species of traffic, I forbade it; and gave them many useful and beautiful articles which I had brought along with me, without any return being asked—that I might render them more friendly to me—that I might gain them over to the Christian faith—that they might be well affected towards our King, Queen, Nobles, and the whole Spanish people, and might search out for those things in which themselves abound, and of which we are much in want, and, laying up stores of them, have wherewithal to enter into traffic with us.—They have no idolatry amongst them;—but seem to have a firm persuasion, that all force, power, and all good things, are from Heaven,—from whence indeed they imagined that I had come down with my ships and sailors; as I discovered from them, after they had so far lost their apprehensions as to converse with us.—They are neither sluggish, nor rude,—on the contrary they are of an intelligent and piercing mind;—and the relations which those of them who ferry across the seas give of the various particulars which they have seen, are very distinct and lively.—But none of them had ever before seen any people clothed, or ships such as ours.—As soon as I had come into that sea, I carried off by force from the first island which I reached, a few of the inhabitants, who might be instructed by us, and instruct us in the course of our voyage, concerning the matters with which they were conversant;—and the plan turned out remarkably well. In a very short time we understood them, and they us by gestures and signs, and even words;—and they were of very great use to us. They never, however, gave up the impression, however long they remained with us (and indeed they still are with us) that I had

lighted down from Heaven:—and they spread the notion wherever we landed—calling out with a loud voice, which was repeated from one to another—Come, come, and you will see a race of ethereal people!—The consequence has been, that, laying aside their fears formerly entertained, vast crowds of men and women, children and adults, young and old, came round us from all quarters; some offering us meat, others drink, with the utmost and most incredible kindness.—All these Islands possess many boats made of solid wood, —and although very narrow, yet resembling our boats both in length and form, only considerably more rapid in their course.—They are managed by oars only. Some of them are large, others small, and others again of a middling size. With the larger ones they pass from one island to another, and carry on a traffic throughout them all, innumerable as they are. I have seen some of these boats or barges which carried seventy or eighty rowers. In all these islands there is no diversity in the appearance of the people; their manners and speech are alike—so that they all understand one another;—a circumstance peculiarly important for the purpose which our most Serene King had principally in view—their conversion, I mean, to the holy faith of Christ. As far as I can make out, they are very far from being disinclined to it. I already mentioned how I coasted along the island Joanna 322 miles to the east; and I am persuaded, from what I saw and heard, that this island is greater than England and Scotland together. It contains two other provinces which I did not see, one of which the Indians call Anan, where there are men with tails—and that province is 180 miles long, according to the report of those Indians whom I carry along with me, and who are very well acquainted with these islands. The circumference of Hispaña I take to be greater than that of all Spain, *a Cologna usque ad fontem rabidum*—if I may reckon as a fourth of the whole, that side which I passed along in a right line from west to east, about 540 miles. On this island of Hispaña, although I had solemnly taken possession of all these islands in the name of our invincible King—I yet fixed upon a spot more advantageous than any other for commerce, and every opportunity of wealth—with a view to the erection of a metropolis, to which I have given the name of our Lord's Nativity—and of which, in a more peculiar manner, I have taken possession for the King. There I immediately gave orders for the building a fort, which will soon be finished—in which as many men as may be necessary, with all sorts of arms, and more than a year's provision, may be left. Here likewise I shall establish a carpenter's workshop, and leave people skilled, not only in this, but in other arts, partly on account of the great friendship and kindness which I have experienced from the King of this island, the inhabitants of which have been most amiable and well-affected; and the King has even gloried in styling me his brother. If they should change their dispositions, they yet cannot hurt those who are left in the fort, however desirous they might be of doing so. They have a great dread of arms—are themselves naked, and remarkably timid—so that the possessors of the fort may in fact be said to possess the whole island, without any

hazard to themselves, if they will keep within the laws and regulations which I have prescribed for them. In all these islands, according to my information, no man has more than one wife, except the Chiefs and Kings, who may have as many as twenty. The women seem to work more than the men; and I have not been able to discover, whether there is any such thing as separate property; for I have always seen these people impart to each other whatever they had, particularly food, and things of that sort. I found no monsters among them, as some have imagined, but everywhere men of a very estimable and benign aspect. Neither are they black, like the Africans: their hair is smooth and long. Indeed, they do not live in a country where the solar rays are particularly powerful, being distant from the equator about six-and-twenty degrees. The cold is very severe on the tops of the mountains. Yet the Indians of these regions prevent its most disagreeable effects, partly by the use of very high-seasoned food, of which they are extremely fond; and custom inures them to the climate. There are then, as I have said, no monsters, at least that I saw; and the only information I received of any such, was of the inhabitants of an island called Charis, which, to those who are sailing for India, follows second in order immediately after the island of Hispaña. This people are looked upon by their neighbours as very ferocious, so as even to eat human flesh. They have many various sorts of boats, with which they pass into all the Indian islands, and carry off whatever they lay their hands on. They differ in no respect in appearance from the other islanders, except that they have long hair like women. They make use of bows, and cane spears with whetted points, fixed, as I have already described, in the thicker part. From their ferocity, they are objects of great terror to the rest of the Indians; but, for my part, they do not seem to me more formidable than the others. They cohabit with a race of women who are the sole inhabitants of another island immediately succeeding Hispaña, as you sail for India. These women are not employed in the common occupations of their sex, but, like their husbands, carry bows and spears, and are protected by plates of brass, with which their island abounds. I have been told that there is another island still larger than Hispaña: its inhabitants have no spears—but, like all the others, are overflowing with gold. Some of the inhabitants of this, and of the other islands which I have seen, I have along with me, who confirm, by their testimony, the above particulars.

To conclude with summing up, in a few words, the advantages to be derived from this our short voyage and speedy return—I may fairly promise, that I can supply our invincible Sovereigns, if I am supported by their kind assistance, with as much gold as they can have occasion for—and as great a quantity of aromatics and aloes and rhubarb, as their Majesties may think proper to require. I have no doubt that these will be collected in great abundance by the men whom I have left in the fort—for I myself made no longer stay than the winds forced me—except the time that I remained in the city of the Nativity while the fort was building, and I was providing for the safety of those who were to be left. These are very

great, and, as yet, unheard-of advantages; but they might be much further extended, if, as would be reasonable, a supply of ships should be given me. This great and wonderful field of discovery is far beyond our merit, and can correspond only to the magnificence of the Christian Faith, and to the piety and religion of our Sovereigns. It is not the accomplishment of a human intellect, but is truly the gift of the Divine Mind. It is not unusual indeed with God to listen to the entreaties of his servants who love his precepts, even when they seem to be asking impossibilities—as appears to have been his dealings with us who have been permitted to perform, what the powers of men had never before so much as bordered upon. For whatever may have been hinted in former times of the existence of these islands, either in writings or in discourse, it is certain that it was only by obscure conjecture, and that no one ever asserted that he had seen them; and, accordingly, their existence appeared merely fabulous. Let then our King and Queen, their Nobles, and all their happy realms—and indeed all the nations of Christendom, return thanks to our Saviour the Lord Jesus Christ, because he has magnified us with so great bounty and victory:—let solemn processions and other holy offices be celebrated; and let the temples be veiled with festive boughs. Glory be henceforth to Christ on the earth, as there is glory in the Heavens—for he is advancing forth to bring salvation to the perishing souls of the Heathen. Let us too rejoice, both on account of the exaltation of our Faith, and of the increase of our temporal advantages, in which not only Spain but all Christendom will participate. This then is a short narration of our performances. Farewell.——Lisbon, the day before the Ides of March.

We subjoin the MS. note describing the volume from which the above letter is extracted.

"Constat foliolis novem in 8° vel 4° parvo. Fol. primo recto habentur insignia Regis Hispaniar. cum Inscriptione Reg. Hispaniae; eod. verso tabula exhibens *Oceanicam classem.* Fol. 2^do recto Epistolae initium cum titulo supra relato cui praemittuntur haec verba char. maj. *De Insulis Inventis.* Eodem fol. 2. verso tabula exhibens Insulam Hyspanam. Fol. 3. recto sequitur Epistola, eodem verso tabula exhibens Insulas Fernandam, Isabellam, &c. Fol. 4. sequitur textus. Fol. 5. recto iteratur tabula exhibens *Oceanicam classem.* eod. verso, uti & fol. 6°. sequitur textus. Fol. 7°. verso tabula exhibens Insulam Hyspanam. Deinde sequitur textus usque ad 9^m fol. rectum quo Epistola absolvitur absque ulla nota typograph. char. est Gothicus nitidus. Lineae in qualibet pag. 27. Desunt custodes & numeri paginar. Fol. 1^m. 2^m. 3^m. & 4^m. prae se ferunt signaturas i, ij, iij. Tabulae ligno exculptae, sed satis elegantes. Initiales literae minio pictae.

"Editionem hanc, quae Saci est XV. nullibi descriptam invenimus. Edition. alteram Saci pariter XV. memorat Fossius (F. 1. p. 561) sed ab hac nostra plane diversam, utpote quae quatuor solum° plagulis constat, tabulis caret," &c.

# FRANKLIN.

(August, 1817.)

*The Private Correspondence of Benjamin Franklin, LL.D. F.R.S. &c. Minister Plenipotentiary from the United States of America at the Court of France, and for the Treaty of Peace and Independence with Great Britain, &c. &c. Comprising a Series of Letters on Miscellaneous, Literary, and Political Subjects; written between the Years 1753 and 1790; illustrating the Memoirs of his Public and Private Life, and developing the Secret History of his Political Transactions and Negociations.* Published from the Originals by his Grandson, William Temple Franklin. 8vo. 2 vols. Pp. 970. London, Colburn. 1817.

In one point of view, the name of Franklin must be considered as standing higher than any of the others which illustrated the eighteenth century. Distinguished as a Statesman, he was equally great as a Philosopher; thus uniting, in himself, a rare degree of excellence in both those pursuits, to excel in either of which is deemed the highest praise. Nor was his pre-eminence in the one pursuit, of that doubtful kind which derives its value from such an uncommon conjunction. His efforts in each were sufficient to have made him greatly famous, had he done nothing in the other. We regard de Witt's mathematical tracts as a curiosity, and even admire them, when we reflect that their author was a distinguished patriot, and a sufferer in the cause of his country. But Franklin would have been entitled to the glory of a first-rate discoverer in science—one who had largely extended the bounds of human knowledge—although he had not stood second to Washington alone in gaining for human liberty the most splendid and guiltless of its triumphs. It is hardly

a less rare, certainly not a less glorious felicity, that, much as has been given to the world of this great man's works, each successive publication increases our esteem for his virtues, and our admiration of his understanding.

The volumes now before us contain a large body of his private correspondence; which consists of three portions—his Letters upon miscellaneous subjects from the year 1753 to the end of his life—his Letters upon general American politics, written chiefly during his residence in England and France, from 1767 to 1787—and his Letters relating to the negotiation for peace, and the independence of the United States. The first part is by far the most valuable—the last is the least so; but, in all the parts, we meet with many interesting facts, and with perpetual evidences of those great talents which the writer possessed alike for speculation and for business. An account of such a collection as this, must necessarily consist rather of specimens than of general description; but we wish to premise a few remarks, principally suggested by a perusal of these productions, respecting the peculiar genius of the author.

The distinguishing feature of his understanding was great soundness and sagacity; combined with extraordinary quickness of penetration. He possessed also a strong and lively imagination, which gave his speculations, as well as his conduct, a singularly original turn. The peculiar charm of his writings, and his great merit also in action, consisted in the clearness with which he saw his object, and the bold and steady pursuit of it, by the surest and the shortest road. He never suffered himself, in conduct, to be turned aside by the seductions of interest or vanity, or to be scared by hesitation and fear, or to be misled by the arts of his adversaries. Neither did he, in discussion, ever go out of his way in search of ornament, or stop short from dread of the consequences. He never could be caught, in short, acting absurdly, or writing nonsensically: at all times, and in everything he undertook, the vigour

of an understanding, at once original and practical, was distinctly perceivable.

But it must not be supposed that his writings are devoid of ornament or amusement. The latter especially abounds in almost all he ever composed; only nothing is sacrificed to them. On the contrary, they come most naturally into their places; and they uniformly help on the purpose in hand, of which neither writer nor reader ever loses sight for an instant. Thus, his style has all the vigour and even conciseness of Swift, without any of his harshness. It is in no degree more flowery, yet both elegant and lively. The wit, or rather humour, which prevails in his works, varies with the subject. Sometimes he is bitter and sarcastic; oftener gay, and even droll; reminding us, in this respect, far more frequently of Addison than of Swift, as might be naturally expected from his admirable temper, or the happy turn of his imagination. When he rises into vehemence or severity, it is only when his country, or the rights of men, are attacked—or when the sacred ties of humanity are violated by unfeeling or unreflecting rulers. There is nothing more delightful than the constancy with which those amiable feelings, those sound principles, those truly profound views of human affairs, make their appearance at every opportunity, whether the immediate subject be speculative or practical—of a political, or of a more general, description. It is refreshing to find such a mind as Franklin's—worthy of a place near both to Newton and to Washington—filled with those pure and exalted sentiments of concern for the happiness of mankind, which the petty wits of our times amuse themselves with laughing at, and their more cunning and calculating employers seek by every means to discourage, sometimes by ridicule, sometimes by invective, but always because they are truly incompatible with all plans of misgovernment.

The benevolent cast of his disposition was far from confining itself to those sublimer views. From earnest wishes, and active, victorious exertions for the pros-

perity of the species, he descended perpetually to acts of particular kindness. He seems to have felt an unwearied satisfaction in affording assistance, instruction, or amusement to all who stood in need of it. His Letters are full of passages which bear testimony to this amiable solicitude for the happiness of his fellow-creatures individually; it seems the chief cause of his writing, in most cases; and, if he ever deviates from his habit of keeping out all superfluous matter, whatever be the subject, it is when he seems tempted to give some extra piece of knowledge or entertainment. So, if ever the serene and well-natured cast of his temper appears ruffled by anger, or even soured for the moment, it is when some enormities have been committed which offend against the high principles which he professes.

We have said little respecting his language, which is pure, and English. A few, and but a few, foreign expressions may be traced, and these French, rather than American; as, for instance, *influential*. Indeed, we cannot reckon him more as an American than an European. He lived so much among us, frequenting the best society, cultivating the habits, and conversant with the authors of the Old World, that the peculiarities of the New, neither as to language nor character, seem to have retained any impression upon him. Those peculiarities, moreover, have been exceedingly increased since the separation. We can offer the Americans no better advice, than to recommend to them a constant study of Franklin; of his principles and his political feelings, as well as his compositions: They will gain as much of what is sound and amiable from the one, as they will of what is correct in taste from the other; and, as we shall not be suspected of sharing in the odious, miserable, vulgar spirit of abuse which a small party among us is fond of displaying against our Kinsmen of the West, we do hope that the recommendation which we now tender to them will be taken as coming from a friendly quarter. If they refuse, from national prejudices, to imitate European models, let them study Franklin; and we shall cheerfully forget that he lived

among us, when we see them make him really their own.

If the example of this eminent person may well teach respect for philanthropic sentiments to one set of scoffers, it may equally impress upon the minds of another class the important lesson, that veneration for religion is quite compatible with a sound, practical understanding. Franklin was a man of a truly pious turn of mind. The great truths of natural theology were not only deeply engraven on his mind, but constantly present to his thoughts. As far as can be collected from his writings, he appears to have been a Christian of the Unitarian school; but, if his own faith had not gone so far, he at least would greatly have respected the religion of his country and its professors, and done everything to encourage its propagation, as infinitely beneficial to mankind, even if doubts had existed in his own mind as to some of its fundamental doctrines.

The letters upon miscellaneous subjects, which occupy three-fourths of the first volume, contain, in almost every page, something interesting or pleasing. All of them bear the clearest marks of having been written on the spur of the occasion, without any more premeditation than ordinary conversation requires or admits of. Yet, such was the effect of business-like, careful habits, that the composition is as correct as the most finished discourse, while it has all the ease of extemporary effusions. As to the value of the matter contained in these letters, we confess ourselves to be under some difficulty in exactly estimating it; because we cannot easily forget whose correspondence we are reading, and are very apt to confound what is merely curious as coming from such a quarter, with what is intrinsically important; to think we are prizing remarks for their own sake, when we are rather enjoying them as the observations, on some familiar topic, of a very great man in other more serious points of view. However, we feel pretty well asured, that there is much interesting discussion—many sagacious and useful remarks—many plain, but original and striking suggestions, or

familiar thoughts expressed in a novel and forcible manner, with no little portion of agreeable and happy pleasantry, which would have instructed and amused us had they come without any recommendation from the author's name. In the specimens, however, which we are about to give, we have no thought of separating those passages that interest from their intrinsic merits, from such as derive a great part, or it may be, the whole of their value, from being Franklin's.

The cordial detestation of war which breathes through these leters, is extremely satisfactory, when we consider that it could only have arisen from an enlarged patriotism, not incompatible with love of mankind. For as America was successful generally in the contest, and as, at some moments, her arms gained the most extraordinary advantages, considering the comparative resources of the two parties, a person of ordinary ambition, or feelings of vulgar national animosity, would frequently have shown exultation; rejoiced at periods of prosperity, without reckoning the cost; and indulged in those expressions of triumph, which a person, largely contributing to the result, might naturally enough use, if he looked no further than to the goodness and success of the cause. At no period, however, do we perceive Franklin so far thrown off his guard as to forget the unspeakable miseries which the most glorious war unavoidably occasions. He may be glad that his country prevails—he may exult, when he reflects that it is for her liberty she is conquering;—but the evils of the conflict are still uppermost in his mind.—It is plain, that he never for an instant, not even upon the memorable events of New York and Saratoga, is reconciled to the war by the happy result; and that "*peace, blessed peace,*" is the thought ever uppermost in his mind.

In various passages of this correspondence, we can trace the alteration in Franklin's sentiments with respect to England and her rulers; nor is there anything more instructive than to view the progress of this change; for there is no doubt that he felt like all the

rest of the well-informed colonists, and consequently his sentiments were either an exponent of the popular opinion, or must have influenced it sooner or later. By attending, then, to the measures which produced the alienation of this distinguished patriot, we may trace the steps by which England lost her colonial dominions; an empire of incalculable value, and which, as Franklin in another place observed, she might have continued to govern at the expense of a little pen, ink, and paper, for ages. Now, it is plain from the letters before us, that the original bent of Franklin's mind, was a strong, affectionate attachment to the Mother Country. We see this in every point of view, in which such a feeling can be expected to show itself. It appears in his distrust, and even personal dislike of the French, afterwards the objects of his constant love and gratitude, when they had rendered America the highest services: in the general good will expressed towards England and her constitution, and in his anxiety to perpetuate the connection and avoid a war; and, perhaps, still more strikingly, in warm expressions of what is commonly called loyalty, that is, attachment to the King, as distinct from the other branches of the State; and a disposition to excuse him at the expense of his ministers, his parliament, and his people;—the same King, be it remarked, of whom he latterly spoke on all occasions with extreme personal dislike and resentment.

We have already observed, that the characteristic of Franklin's understanding, was his always choosing the shortest and easiest way to his object. A remarkable simplicity, a strict economy of the means employed, was always to be seen in his operations. The parsimony with which he was, from his narrow circumstances in early life, obliged habitually to conduct himself, seems to have sharpened his ingenuity in all respects, and taught him how far industry and contrivance could go in sparing the use of adventitious helps. In him, more than in any other philosopher, we observe all the web of speculation to be wrought out of himself. He conducts his inquiries with fewer appeals to de-

tailed experiments, and more constant reliance upon known observable facts. When he has recourse to any experimental process, he contents himself with the smallest quantity of apparatus, and of the simplest kind. He often stops to simplify and to reduce it; stepping aside from the course of the investigation, to show how the experiment may be made with the most ordinary implements—a very important advantage gained to the evidence on which the inferences rest. His moral and political speculations are carried on with a similar frugality; he delights in homely illustrations; he chooses the plainest and most obvious topics; and he throws away neither ideas nor words—employing only the reasons or remarks requisite to explain and to prove his positions—and the language necessary to carry these distinctly home. His benevolence was exerted with a similar regard to the economizing of his powers, —without the least parsimony, but so judiciously as to make his limited means produce the greatest possible effect. And, in the management of public concerns, whether connected with the affairs of the political or literary world, the same rigid economy of resources was to be observed, and the same happy facility of converting trifles into engines of great power.

In illustration of these remarks, we might state his plan of giving charity, or rather assisting meritorious persons who applied to him for relief in seasons of difficulty, and the kind of benevolence which he chiefly practised. He lent them the funds required, upon condition that they should repay them to some other persons similarly circumstanced, who might happen to want assistance afterwards. This is a plan on which he seems to have greatly valued himself; he often describes it, and nearly in the same words—"Some time or other you may have an opportunity of assisting, with an equal sum, a stranger who has equal need of it. Do so. By that means you will discharge any obligation you may suppose yourself under to me. Enjoin him to do the same on occasion. By pursuing such a practice, much good may be done with little money.

Let kind offices go round. Mankind are all of a family." (i. 92.) In another place he says, he believes none of the sums he had ever sent round the world in this way had been stopt. As a further illustration of the same peculiarities, we might extract a letter respecting Mr. P. Collinson the botanist, of whom he writes the eulogium, plainly because of his having contributed greatly to promote science in America by the judicious use of very limited means; and the letter happens to contain a most signal proof to what important ends such means may conduct us; for we here have, from Franklin himself, the statement, that nothing less than his grand discoveries upon the Electric fluid were owing to the trifling circumstance of Mr Collinson sending over a letter with a glass tube to Philadelphia.

There are several letters, in this book, to Mr. Strahan, the King's printer, with whom Franklin appears to have lived upon a footing of most intimate friendship. The style of these letters is quite jocose and playful; and the humour is frequently borrowed from the circumstance which begun their acquaintance, their common profession. Take the following specimen, which we give only for the curiosity of the thing; and as an instance of this great man, in his old age (for he was eighty), delighting to unbend in a strain of professional drollery with his ancient brother in trade. He is speaking of the evils which he is fond of deducing in our constitution, from the number of profitable places under Government.

"Those places, to speak in our old style (brother typo), may be good for the CHAPEL, but they are bad for the master, as they create constant quarrels that hinder the business. For example, here are two months that your government has been employed in *getting its form to press*, which is not yet fit to *work on*, every page of it being *squabbled*, and the whole ready to fall into *pye*. The founts, too, must be very scanty, or strangely *out of sorts*, since your *compositors* cannot find either *upper* or *lower-case letters* sufficient to *set* the word ADMINISTRATION, but are forced to be continually *turning for them*. However, to return to common (though perhaps too saucy) language, don't despair; you have still one resource left, and that not a bad one, since it may reunite the empire. We have some remains of affection for you, and shall always be ready to receive and take care

of you in case of distress. So if you have not sense and virtue enough to govern yourselves, e'en dissolve your present old crazy constitution, and send members to Congress.

"You will say my *advice* 'smells of *Madeira.*' You are right. This foolish letter is mere chit-chat *between ourselves*, over the *second bottle*. If, therefore, you show it to anybody (except our indulgent friends Dagge and Lady Strachan) I will positively *solless* you. Yours ever most affectionately.—i. 144."

It is a memorable proof of the force which his patriotism acquired during the American war, and of the strength of feeling excited in him by the sufferings of his country, that a letter is to be found in which he thus addresses this same dear and familiar friend, then a steady supporter in Parliament of Lord North's measures.

"MR. STRAHAN, *Philadelphia, July 5, 1775.*

"YOU are a Member of Parliament, and one of that Majority which has doomed my country to destruction. You have begun to burn our towns and murder our people. Look upon your hands! They are stained with the blood of your relations! You and I were long friends:—You are now my enemy,—and I am yours,

"B. FRANKLIN."

We have reserved for the last place among these extracts, a few passages which contain Franklin's thoughts upon religious subjects. It is not, indeed, in set dissertations alone that we are to look for the evidence of his sincere and habitual piety. Feelings of a devotional cast everywhere break forth. The ideas connected with this lofty matter, seem always to have occupied his mind. He is to the full as habitually a warm advocate of religion, as he is a friend of liberty. The power, the wisdom, and the beneficence of the Deity are as much in his thoughts, as the happiness and rights of mankind. We consider him as affording a complete answer to the position of Voltaire, still more dogmatically asserted by his biographer (Condorcet), that there is no such thing as natural religion. They imagine, that reason cannot warm the heart into any feelings of contemplative devotion; that the light of nature gives no evidence, teaches absolutely no lesson of a future state; and that all the progress man can make, unaided by revelation, is to infer the being of a God, immensely powerful, but with no other definable attri-

butes; and that towards this being no homage is due. Now the following passage seems to show, that Franklin, though he might be a Christian, rested his belief in things unseen, almost entirely upon the evidences of natural religion; and he certainly is the Deist who approaches, by the help of natural light, nearer than any other of whom much is known, to the habits of thought and feeling common among the disciples of revelation.

"You desire to know something of my religion. It is the first time I have been questioned upon it. But I cannot take your curiosity amiss, and shall endeavour, in a few words, to gratify it. Here is my creed: I believe in one God, the creator of the universe. That he governs it by his Providence. That he ought to be worshipped. That the most acceptable service we render to him, is doing good to his other children. That the soul of man is immortal, and will be treated with justice in another life, respecting its conduct in this. These I take to be the fundamental points in all sound religion; and I regard them as you do, in whatever sect I meet with them. As to Jesus of Nazareth, my opinion of whom you particularly desire, I think the system of morals and his religion as he left them to us, the best the world ever saw, or is like to see; but I apprehend it has received various corrupting changes, and I have, with most of the present dissenters in England, some doubts as to his divinity; though it is a question I do not dogmatize upon, having never studied it, and think it needless to busy myself with it now, when I expect soon[1] an opportunity of knowing the truth with less trouble. I see no harm, however, in its being believed, if that belief has the good consequence, as probably it has, of making his doctrines more respected and more observed; especially as I do not perceive that the Supreme takes it amiss by distinguishing the unbelievers in his government of the world with any peculiar marks of his displeasure. I shall only add, respecting myself, that having experienced the goodness of that Being in conducting me prosperously through a long life, I have no doubt of its continuance in the next, though without the smallest conceit of meriting such goodness. My sentiments on this head you will see in the copy of an old letter enclosed, which I wrote in answer to one from an old religionist whom I had relieved in a paralytic case by electricity, and who being afraid I should grow proud upon it, sent me his serious though rather impertinent caution. I send you also the copy of another letter, which will show something of my disposition relating to religion."—i. 277-279.

[1] He was then 85.

# JUNIUS.

(November, 1817.)

*The Identity of Junius with a distinguished Living Character established.* 8vo. pp. 373. London, Taylor and Hesse, 1816.

*A Supplement to Junius Identified: consisting of Fac-similes of Handwriting and other Illustrations.* 8vo. p. 36. Taylor and Hesse, 1817.

The question respecting the author of Junius's Letters, is thought, we believe, by philosophers, to be one of more curiosity than importance. We are very far from pretending that the happiness of mankind is materially interested in its determination; or that it involves any great and fundamental scientific truths. But it must be viewed as a point of literary history; and, among discussions of this description, it ranks high. After all, are there many points of civil or military history really more interesting to persons living in the present times? Is the guilt of Queen Mary—the character of Richard III.—or the story of the Man in the Iron Mask, very nearly connected with the welfare of the existing generation? Indeed, we would rather caution, even the most profound of philosophers, against making too nice an inquiry into the practical importance of scientific truths; for assuredly there are numberless propositions, of which the curiosity is more easily descried than the utility, in all the branches of science, and especially in the severer ones—the professors of which are the most prone to deride an inquiry like that about Junius. That the community has long taken an extraordinary interest in this question; that a great and universal curiosity has been felt to know who wrote the Letters; seems quite sufficient to justify a good deal

of pains in the research, and satisfaction in the discovery. He who should find out the longitude would, no doubt, more substantially benefit the world; yet we dare to assert, that, for one who really profited by the discovery, a thousand would derive nothing beyond the mere gratification of curiosity; and the inventor's fame would depend chiefly on their voice. Is any man much the better for knowing how the alkalis are composed? In his circumstances, no one—but, in his scientific capacity, every one who regards the gratification of a learned curiosity. Let us not be too curious in settling the relative importance of literary labour, or even of scientific pursuits. It is a good thing to find out the truth, at all events; and the pleasure of knowing what was before unknown, forms, perhaps in all cases, the greater proportion of the value derived from the inquiry.

During the last two or three years, a number of tracts have appeared upon this much-agitated question. One ascribes the Letters to Glover, the author of Leonidas; another, to some obscure person, whose name we have forgotten. By far the most ridiculous, however, is a series of letters, to show that Junius was none other than the late Duke of Portland, upon the sole ground that the letters betray an interest in the famous question respecting the honour of Inglewood Forest, which occupied at that time every man who talked or wrote upon politics, and without the shadow of proof that his Grace ever wrote a sentence, either elegant or forcible, in his life. We ought perhaps to observe, that a more absurd doctrine than even this, was once seriously maintained; for some one was found to contend, in a printed book, that Delolme was Junius, —his pretensions to the name being grounded, probably, upon the admitted facts of his being a foreigner, an extremely feeble writer, and one unconscionably ignorant of most constitutional points; and of his having, for the first time, come to England the winter that Junius began his Letters.[1]

[1] Other Letters, indeed, of the same author, had been published

To urge anything against such claims as these, would be wasting the time of the reader. But it may be well to remind him, before proceeding further, that the various hypotheses, which have ascribed the Letters to men of great genius and fame—to Lord Chatham, Dunning,[1] Burke,—as well as those which have given them to inferior persons, but of considerable talents, Hamilton, Boyd, and others,—are now deservedly exploded. The publication of Woodfall, some years ago, seems to have set this matter at rest; and to have shown that there were insurmountable reasons, founded upon external evidence, against believing that any of those personages was Junius. We are half inclined to think, however, that the real author is at length detected; and we shall proceed to lay before the reader the grounds of this opinion. The merit of the discovery, if the truth is indeed found out, belongs entirely to the author of the work before us. Sir Philip Francis had never, as far as we know, been suspected. The book is written in a way abundantly creditable to the author; especially if, as we suspect, he is not a professed literary man. It does not certainly make the most of the evidence; it is somewhat too prolix; frequently dwells upon trifles; and is not always very

under different signatures, two years before this time. The praise of Delolme's superficial book, contained in the Preface to Junius, is only a new example of the rashness with which men engaged in controversy will bestow commendations upon a work containing doctrines of which they wish to avail themselves. Burke's praises of Vattel may be given as another instance; and they have greatly added to the undue reputation enjoyed by that popular work.

[1] The legal expressions sometimes used by Junius, where he is not discussing any point of law, have been held by many as an evidence of his belonging to the learned profession, notwithstanding his own repeated denial. Thus, "*savouring of the realty*," &c. But in some cases he uses law language with a degree of inaccuracy which we should never have found in one of his habits of distinct and correct thinking, had he been a lawyer. Thus, in the Dedication, he makes a confusion between the *quantity* and the *species* of an estate; where he says, that the Legislature is the *trustee*, not the *owner*; the *fee-simple* is in the people. In his attack upon Lord Mansfield he shows gross ignorance of the most ordinary legal matters.

distinct in its statements. But it contains everything necessary for determining the question; and is written without affectation. That it proves Sir Philip to be Junius, we will not affirm; but this we can safely assert, that it accumulates such a mass of circumstantial evidence, as renders it extremely difficult to believe he is not; and that, if so many coincidences shall be found to have misled us in this case, our faith in all conclusions drawn from proofs of a similar kind may henceforth be shaken.

We must premise, as this is in some sort a personal question, that we have undertaken to state the argument, without the slightest feeling of disrespect towards the distinguished individual who forms the subject of it. We may add, that we are equally uninfluenced by any idea of doing him honour. If there be anything in the Letters of Junius which Sir Philip Francis would now wish unwritten, or if he conceives any imputation to be flung upon his conduct in very early life, by the assumption that he was the author, surely the most stern moralist may well be appeased, by the lapse of half-a-century spent in the undeviating pursuit of the public good, and the virtuous sacrifice of all personal interests; while, on the other hand, the high rank in which those services have placed him among the patriots of his age, and the almost unbounded praise which his talents have called forth from those judges to whom a wise man would chiefly look, render it a matter of indifference to his fame, whether or not he enjoys the more general, and perhaps vulgar, celebrity which belongs to the name of Junius.

To the greater number of readers, the first question that presents itself is, Whether Sir Philip Francis has ever shown the eminent talents displayed in Junius's Letters? However high his reputation may be in the political world, there is no one avowed production of his which has attracted much popular, or permanent notice, or is at present familiar to public recollection; and he has therefore shared the fate of many able men whose time has been devoted to the business of the

world, and whose labour, chiefly bestowed upon subjects connected with their pursuits, has left no lasting monuments of their skill in composition. So it has fared with Sir Philip Francis. His contemporaries well knew him to be one of the best writers of the age; but his writings consisted chiefly of minutes, protests, speeches and pamphlets, which have long since ceased to interest the world at large, and are only known to political men, or curious inquirers into the details of modern history. We shall therefore begin the argument, by presenting a few specimens of his composition, sufficient to justify the assertion, that the author of Junius, whoever he may be, was not a person of greater talents than Sir Philip Francis. The proof drawn from similarity of expressions will be further strengthened in the sequel by particular instances. All that we desire the reader, in this stage of the discussion, to consider, is the general ability displayed in the composition. We take all the examples from his speeches, carefully written and published by himself. The first shall be from his attack upon the Lawyers in the House of Commons.

"It belongs to the learning of these gentlemen to involve, and to their prudence not to decide.

"In the name of God and common sense, what have we gained by consulting these learned persons! It is really a strange thing, but it is certainly true, that the learned gentlemen on that side of the House, let the subject be what it may, always begin their speeches with a panegyric on their own integrity. You expect learning, and they give you morals; you expect law, and they give you ethics; you ask them for bread, and they give you a stone. In point of honour and morality, they are undoubtedly on a level with the rest of mankind. But why should they pretend to more? Why should they insist on taking the lead in morality? Why should they so perpetually insist upon their integrity, as if that were the objection *in limine*; as if that were the point in question; as if that were the distinguishing characteristic, the prominent feature of the profession? Equality is their right. I allow it. But that they have any just pretensions to a superior morality, to a pure and elevated probity, to a frank, plain, simple, candid, unrefined integrity, beyond other men, is what I am not convinced of, and never will admit.

"On my principles, however, the damage we have suffered is not very great. In attending to this learned gentleman, we have lost nothing but our time; we have wasted nothing but our patience.

The question before us may easily, and can only be determined by ourselves."—pp. 175, 176.

The following passage is from a speech delivered in 1796.

"If I could personify the House of Commons, it would be my interest as well as my duty to approach so great a person with the utmost respect. But respect does not exclude firmness, and should not restrain me from saying, that it is the function of your greatness, as well as of your office, to listen to truth, especially when it arraigns a proceeding of your own. I am not here to admire your consistency, or to applaud the conduct which I am endeavouring to correct. These topics do not furnish any subject for applause. You have nothing like praise to expect from me; unless you feel, as I do, that a compliment of the highest order is included in the confidence which appeals to your justice against your inclination." —p. 247.

The following attack upon Lord Thurlow has been much and justly admired.

"It was well known that a gross and public insult had been offered to the memory of General Clavering and Colonel Monson, by a person of high rank in this country. He was happy when he heard that his name was included in it with theirs. So highly did he respect the character of those men, that he deemed it an honour to share in the injustice it had suffered. It was in compliance with the forms of the House, and not to shelter himself, or out of tenderness to the party, that he forebore to name him. He meant to describe him so exactly, that he could not be mistaken. He declared in his place in a great assembly, and in the course of a grave deliberation, 'that it would have been happy for this country if General Clavering, Colonel Monson, and Mr. Francis had been drowned in their passage to India.' If this poor and spiteful invective had been uttered by a man of no consequence or repute, by any light, trifling, inconsiderate person, by a lord of the bed-chamber, for example, or any of the other silken barons of modern days, he should have heard it with indifference. But when it was seriously urged and deliberately insisted on by a grave lord of Parliament—by a judge—by a man of ability and eminence in his profession, whose personal disposition was serious, who carried gravity to sternness, and sternness to ferocity, it could not be received with indifference, or answered without resentment. Such a man would be thought to have inquired before he pronounced. From his mouth, a reproach was a sentence, an invective was a judgment. The accidents of life, and not any original distinction that he knew of, had placed him too high, and himself at too great a distance from him, to admit of any other answer than a public defiance, for General Clavering, for Colonel Monson, and for himself. This was not a party question, nor should it be left to so feeble an advocate as he was, to support it. The friends and fellow-soldiers of General

Clavering and Colonel Monson would assist him in defending their memory. He demanded and expected the support of every man of honour in that House, and in the kingdom. What character was safe, if slander was permitted to attack the reputation of two of the most honourable and virtuous men that ever were employed, or ever perished in the service of their country? He knew that the authority of this man was not without weight; but he had an infinitely higher authority to oppose to it. He had the happiness of hearing the merits of General Clavering and Colonel Monson acknowledged and applauded in terms to which he was not at liberty to do more than to allude: they were rapid and expressive. He must not venture to repeat, lest he should do them injustice, or violate the forms of respect, where essentially he owed and felt the most. But he was sufficiently understood. The generous sensations that animate the royal mind, were easily distinguished from those which rankled in the heart of that person who was supposed to be the keeper of the royal conscience."—pp. 182–184.

These, though extracted from Speeches, are really specimens of Sir Philip Francis's manner of *writing*; since they were all printed from his own manuscript. We shall add, however, one passage from a letter or discourse, sent, like those of Junius, to a public paper, and subscribed by his own name. It is dated so late as 1811, and relates to the great question of restrictions on the Regency, then in contemplation. The author was then far advanced in years;—but the reader, we think, will be of opinion, that, both in spirit and in style, it bears a more striking resemblance to the papers written by Junius forty years before, than anything else that could be referred to during that long period.

"Who is there so ignorant, as not to know that the prerogatives of the Crown are not vested for his own sake in the person who wears it, but to insure the execution of his office; and then I ask, what power has the constitution reserved to any set of men to strip the Crown of those prerogatives, or even to qualify or impair them? Show it if you can, and produce your evidence. In a case of such importance, I will not submit to authority, and, least of all, to the authority of a party, which perhaps means or expects to benefit by the decision. They, who can wholly refuse, may grant upon conditions. The Lords may say, you shall make no more Peers. The Commons may say, you shall have no power to dissolve us. The Ministers of course will not submit to be dispossessed; and *this* is the executive government, which they are willing to establish in the Prince's hands. Before they decide, let them make the case their own. Do they mean to admit that the King, uniting with a convention of the Peers, could abolish the House of Commons, or

even divest them of any one of their privileges? Could the King and the Commons, I will not say *abolish* the House of Lords, but could they take away their jurisdiction in the last resort, or in trials by impeachment?" &c.——"I am not talking of desperate or extreme cases. Necessity, unavoidable and irresistible, must be left to provide for itself. True wisdom even then will do nothing beyond what the instant exigency requires, and will return as soon as possible to its regular established courses. Neither do I deny the *power* of the people to do what they will. Undoubtedly they may tear down their temples and tribunals, and murder their teachers and their magistrates. They have a physical force to abolish their laws, and to trample on the institutions of their forefathers. But, remember—the man who pulled down the building, and buried himself in its ruins, was blind as well as strong. The quality of an immoral act is not altered, the guilt of an enormous crime is not diminished, by the numbers that concur in it. The moment the people did these things, they would cease to be a nation. To destroy their constitution is beyond their competence. It is the inheritance of the unborn as well as theirs. What we received from our ancestors, we are morally and religiously bound, as well as by our laws, to transmit to our posterity. Of such enormous violence on the part of the people, I know there is no danger. Will they suffer any other power to do that in their name, which they cannot and ought not to do for themselves? I heard it from Lord Chatham, 'that power without right is the most odious and detestable object that can be offered to the human imagination. It is at once *res detestabilis et caduca*.' Let who will assume such power, it ought to be resisted. Brave men meet their fate; cowards take flight, and die for fear of death."—pp. 218–222.

Now, we humbly conceive, that the most careless reader must be struck, not only with the general ability and eloquence of all these passages, but with their extraordinary coincidence with the Letters of Junius, in all their most remarkable characteristics. The boldness, and even fierceness of the tone—the studied force and energy of the diction—the pointed and epigrammatic cast of the style—the concise and frequent metaphors—and the mixture of the language of business and affairs, with a certain scholastic elegance and elaborate sarcasm.

These, however, are general indications, and could lead to no positive conclusion: But there are many particular circumstances of a personal and historical nature, that go much further to make out the proposition contended for. The first of these is the exactness with which the dates of the Letters tally with Sir Philip Francis's residence in this country, and his going

abroad. In Biographical Memoirs, understood to have been drawn up by a person connected with him, it is stated, that Sir Philip spent the greatest part of the year 1772 on the Continent. Now, the last letter of Junius in that year is dated May 12th, and was received by Woodfall two days before. Sir Philip's dismissal from the War Office is announced in one of the Letters of Veteran, (a name under which Woodfall has shown that Junius then wrote,) dated March 23rd; and some time must naturally have elapsed before he set out. A letter of Junius, dated in May, mentions his having been out of town; and, in point of fact, he wrote nothing from March 23rd to May 4th. Sir Philip's father was then ill at Bath; and it is most probable that he went to see him before going abroad. From the above-mentioned notice in the Memoirs, it appears that he must have returned at the end of 1772, or early in 1773, provided we are satisfied that he went abroad in May: for it is there stated, that "about half-a-year after his return" he was recommended as one of the new council at Fortwilliam: Now, the act appointing the council passed in June 1773;—which tallies with the supposition of his arrival having been in the month of December or January preceding. Keeping these facts in view, it is very important to remark, that the first letter received by Woodfall from Junius, after the letter of May 1772, is dated January 19th, 1773. This, too, was also the last letter which he ever wrote. The appointment of Sir Philip Francis to India was, either then or soon after, in agitation; for it was finally arranged before June. Now, the supposition that he was the author of Junius, presumes that the prospect of being sent to India put a period to his labours.

It is known that Sir Philip was a clerk in the War-Office from 1763 to 1772; and Junius evinces a peculiar acquaintance with, and interest in, the business and the persons of that department. As some of those persons are obscure individuals compared with the distinguished objects of his ordinary attacks, a very strong presumption arises from hence, that the anonymous writer was

himself connected with the Office; and the familiar tone in which they are mentioned, greatly strengthens the conclusion. We shall principally advert to what he says of Mr. Bradshaw, Mr. Chamier, and Mr. D'Oyly. Junius, in the 36th letter of the common edition, dwells at some length upon Bradshaw's pension, and speaks of him in terms indicative of considerable personal animosity. In a note, he says, "he was too cunning to trust Irish security." He gives a sketch of his history, tracing him from his beginning, as a "clerk to a contractor for forage,"—to his being "exalted to a petty post in the War-Office,"—and sarcastically remarking, that, upon his subsequent promotion, he thought it necessary to take the great house in Lincoln's-Inn-Fields, where the Lord Chancellor Northington had resided. In the 57th letter, he is called the Duke of Grafton's "cream-coloured parasite;" and in the letters signed Domitian and Veteran, published by Woodfall, he is familiarly mentioned as "Tommy Bradshaw," "the cream-coloured Mercury," whose sister, "Miss Polly, like the moon, lives upon the light of her brother's countenance, and robs him of no small part of his lustre."[1] In a letter, also written by Junius, but under another name, Bradshaw is said to observe, that the writer has "drawn his intelligence from the first source, and not the common falsities of the day;"[2] and of this, he says Bradshaw cannot be ignorant. But although it is clear that Junius's prejudice against this gentleman was of long standing, and connected with his more obscure station in the War-Office, it is also true, that, at the time of the attacks upon him, he filled a considerable station, and was more in the public eye. This, however, can hardly be said of Mr. Chamier, upon whom a far more incessant fire is kept up. He is termed, "that well-educated genteel young broker, Mr. Chamier." A scene is figured between Lord Barrington his patron, and a general officer, in which every kind of ridicule is thrown upon Chamier. He is called "Tony Shammy"—"Little Shammy"—"a tight active

[1] Woodfall's Junius, iii., 406-424. [2] *Ib.*, p. 273.

little fellow"—"a little gambling broker"—"Little Waddlewell"—"my duckling"—"little three per cents. reduced"—"a mere scrip of a secretary"—"an omnium of all that's genteel"—with many other coarse and scurrilous appellations. No less than four letters are addressed to Lord Barrington in the bitterest tone of invective, in consequence of Chamier's promotion; and it appears that his relationship with Bradshaw is one of the chief grounds of attack upon the latter; and whoever reads the following, which comes after these, will be at no loss to divine the cause of all the hostility, upon the supposition that they are written by Sir P. Francis.

"I desire you will inform the public that the worthy Lord Barrington, not contented with having driven Mr. D'Oyly out of the War-office, has at last contrived to expel Mr. Francis His Lordship will never rest till he has cleared his office of every gentleman who can either be serviceable to the public, or whose honour and integrity are a check upon his own dark proceedings. Men, who do their duty with credit and ability, are not proper instruments for Lord Barrington to work with. He must have a broker from Change-alley for his deputy, and some raw, ignorant boy for his first clerk. I think the public have a right to call upon Mr. D'Oyly and Mr. Francis to declare their reasons for quitting the War-office. Men of their unblemished character do not resign lucrative employments without some sufficient reasons. The conduct of these gentlemen has always been approved of; and I know that they stand as well in the esteem of the army, as any persons in their station ever did. What then can be the cause that the public and the army should be deprived of their service? There must certainly be something about Lord Barrington which every honest man dreads and detests. Or is it that they cannot be brought to connive at his jobs and underhand dealings? They have too much honour, I suppose, to do some certain business by *commission*. They have not been educated in the conversation of Jews and gamblers; —they have had no experience at Jonathan's;—they know nothing of the stocks; and therefore Lord Barrington drives them out of the War-office. The army indeed is come to a fine pass, with a gambling broker at the head of it!—What signifies ability, or integrity, or practice, or experience in business? Lord Barrington feels himself uneasy while men with such qualifications are about him. He wants nothing in his office but ignorance, impudence, pertness, and servility. Of these commodities he has laid in a plentiful stock, that ought to last him as long as he is Secretary-at-War. Again, I wish that Mr. Francis and Mr. D'Oyly would give the public some account of what is going forward in the War-office. I think these events so remarkable, that some notice ought to be taken of them in the House of Commons. When the public loses

the service of two able and honest servants, it is but reasonable that the wretch, who drives such men out of a public office, should be compelled to give some account of himself and his proceedings."—pp. 86, 87.

It is to be observed, that Junius took care not to write this letter, nor any of those upon Chamier's promotion, under his usual signature, because this would at once have directed the suspicions of the public towards the War-Office, as the quarter in which he lurked, and even towards the individuals chiefly interested in the questions respecting Chamier. For the same reason we find him urging Woodfall to conceal his being the author of those attacks upon Lord Barrington. "Keep the author a secret," says he, (*Woodfall*, i. 255)—that is, keep the secret that Junius, Veteran, Nemesis, &c. are the same person; for he knew no other author than Junius. It is, however, not at all improbable, that the clue to the discovery of Sir P. Francis was furnished by these letters on the War-Office; for they are the last ever written by Junius, except the private letter to Woodfall in January 1773; so that he seems, on being detected, probably by Lord Barrington, to have given over writing; and he was soon after appointed to the Council in Calcutta.

Junius shows an uncommon acquaintance with, and interest in, the transactions of the Foreign Department as well as the War-Office; and the period to which his knowledge refers, precedes the death of Lord Egremont in 1763. Thus, he says, in the 23rd letter, referring to the negotiations of 1763, "Even the callous pride of Lord Egremont was alarmed; he saw and felt his own disgrace in corresponding with you (the Duke of Bedford); and there certainly was a moment at which he meant to have resisted, had not a fatal lethargy prevailed over his faculties, and carried all sense and memory away with it." In a note, he adds, "This man (Lord Egremont), notwithstanding his pride and Tory principles, had some English stuff in him." Upon an official letter to the Duke of Bedford, the Duke "desired to be recalled; and it was with the

utmost difficulty that Lord Bute could appease him." In a private letter to Woodfall (i. 200), he says, "that he can threaten him privately with such a storm as would make him tremble even in his grave." Now Sir Philip Francis was appointed a clerk in the Foreign-Office in 1756; and having afterwards gone to St. Cas as General Bligh's secretary in 1758, and to Lisbon in 1760, with Lord Kinnoul, he returned to the Foreign-Office between October 1761 and August 1763; for, in his speech in the House of Commons, already referred to (Parl. Deb. xxii. 97), he says, that he possessed Lord Egremont's favour in the Secretary of State's Office; and that nobleman came into it, October 1761, and died August 1763. The negotiations of the Duke of Bedford were carried on between the beginning of September and the beginning of November, 1762.

The manner in which Junius always treats Lord Chatham, coincides exactly with the expressions of Sir Philip in his speeches and writings; and is such as might naturally be expected to result from the kindness he had received from that great man, as well as from his known principles. But the high admiration of Lord Chatham which Junius has shown, seems not easily reconciled with his kindness towards his antagonist Lord Holland. "I wish Lord Holland may acquit himself with honour," says he in a letter to Woodfall (i. 174); and when he suspected Mr. Fox of attacking him anonymously in the newspapers, instead of retaliating, as he did in the letters already cited against Lord Barrington, and at once charging Lord Holland or his son with having been the writers of this attack, as he did Lord Barry and others in similar cases, he says that "he designedly spares Lord Holland and his family;" but adds, that it is worthy of their consideration, "whether Lord Holland be invulnerable, or whether Junius should be wantonly provoked." (iii. 410.) He shows this manifest forbearance towards the Fox family, not under his usual signature of Junius, but under another, assumed for the obvious purpose of concealing it, and yet of keeping them from forcing him into a

contest with them. The history of Sir Philip at once explains all this. His father was Lord Holland's domestic chaplain, lived on intimate terms with him, and dedicated his Translation of Demosthenes to him, as the patron to whom he owed his church preferment. Sir Philip himself received from Lord Holland his first place in the Foreign-Office. These circumstances must have overcome the natural inducement which Junius had to join in the attacks upon Lord Holland, for a conduct which, whether justly or not, was made the constant topic of invective by all who took the side of Lord Chatham.

It is clear, from his private correspondence, that Junius, whoever he was, bore a great personal good-will towards Woodfall. "The spirit of your letter," says he, "convinces me that you are a much better writer than most of those whose works you publish." (i. 196.) "For the matter of money, be assured that, if a question should arise upon any writings of mine, you shall not want it. My own works you shall constantly have; and, in point of money, be assured you shall never suffer." (*ib.*) Again—"You must not write to me again; but be assured I will never desert you. If your affair should come to a trial, and you should be found guilty, you will then let me know what expense falls particularly on yourself, for I understand you are engaged with other proprietors;—some way or other *you* shall be reimbursed." (i. 208.) "For my own part, I can very truly assure you, that nothing would affect me more than to have drawn you into a personal danger, because it admits of no recompense." (i. 221.) "You cannot offend or afflict me but by hazarding your own safety." (i. 235.) "I have the greatest reason to be pleased with your care and attention; and wish it were in my power to render you some essential service." (i. 246.) In a letter to Wilkes, he expresses the same anxiety about Woodfall's safety; says that the danger to which he is exposed afflicts and distresses him; and plainly insinuates, that he has spared Lord Mansfield for Woodfall's sake (i. 326). But, for other publishers,

he seems to have felt no such tenderness; for he frequently tells Woodfall, if he is afraid himself, that he may send such and such letters to other printers, whom he names. (See i. 224, 226, 214.) Now, it appears from Nichols's Biographical Anecdotes, that Woodfall was only a year older than Sir Philip Francis, and that he was educated at St. Paul's School, where the latter is known to have been bred; and it is asserted in the tract before us, that Woodfall's son speaks of the acquaintance formed there between Sir Philip and his father, as having given rise to a mutual kindness during their after lives, although they rarely met. It must be admitted that this tallies peculiarly well with a suspicion expressed by Junius at one part of the correspondence, that Woodfall might know him. He says, "I beg you will tell me candidly whether you know or suspect who I am." (i. 171.)

There is reason also to believe, that Junius was known to Garrick. He expresses himself much alarmed by the inquiries of the latter, and was afraid lest Woodfall might have told him the place where the letters were sent, which he desires him to change. He writes a note, to be sent to Garrick, with the view of intimidating him, and thus preventing his meddling, and endeavouring to trace the secret; and he desires Woodfall to copy it in his own hand. Sir Francis has told us, in the preface to the play of Eugenia, that he enjoyed the "friendship and esteem" of Garrick.

It appears, from various passages in Junius, that the author used to attend the debates in Parliament, and that he frequently took notes of the more important speeches: That he did so more especially in the years 1770 and 1771, is clearly proved, by his quoting Lord Chatham's speeches from reports not then made public, and by his frequently referring to debates at which he was present. Sir Philip Francis is known to have been an occasional attendant upon the debates during the same period,—for he cites Lord Chatham's speeches of that time as having heard them; and there seems no reason to doubt that he is the member of Parliament

described by Almon in his life of Lord Chatham, as having furnished him with notes of those speeches, taken by him when he was not in Parliament. But there is a more remarkable coincidence than this between Junius and Sir Philip. Lord Chatham's speech, at the opening of the session in January 1770, was reported by Sir Philip, and communicated first to Almon, who published it in 1791, and then to the Parliamentary History (xvi. 647). The publisher of the latter work informed the author of the tract before us, that he received it from Sir Philip, who was present at the debate. Now, a comparison of this speech with some of Junius's letters, proves very satisfactorily, that Junius must either have heard the speech, and taken notes of it, or received notes from somebody who was present; and not only so, but that the notes which he took or received were nearly the same with those taken by Sir P. Francis. We shall cite some examples of this coincidence.

*Sir P. Francis's Report.*—"That on this principle he had himself advised a measure, which he knew was not strictly legal; but he had recommended it as a measure of necessity, to save a starving people from famine, and had submitted to the judgment of his country."—p. 262.

*Junius* (*Woodfall*, ii., 365).—"Instead of inserting that the proclamation was legal, he (Lord Camden) should have said, 'My Lords, I know the proclamation was illegal, but I advised it, because it was indispensably necessary to save the kingdom from famine; and I submit myself to the judgment and mercy of my country.'"—pp. 262, 263.

*Sir P. Francis's Report.*—"He owned his natural partiality to America, and was inclined to make allowance even for those excesses. That they ought to be treated with tenderness; for in his sense they were ebullitions of liberty which broke out upon the skin, and were a sign, if not of perfect health, at least of a vigorous constitution, and must not be driven in too suddenly, lest they should strike to the heart."—p. 265.

*Junius* (*Woodfall*, ii., 153; i., 311).—"No man regards an eruption upon the surface, when the noble parts are invaded, and he feels a mortification approaching to his heart."

——"I shall only say, give me a healthy vigorous constitution, and I shall hardly consult my looking-glass to discover a blemish upon my skin."—p. 265.

*Sir P. Francis's Report.*—"That the Americans had purchased their

liberty at a dear rate, since they had quitted their native country, and gone in search of freedom to a desert."—p. 268.

*Junius* (*Woodfall*, ii., 77).—"They left their native land in search of freedom, and found it in a desert."—p. 268.

There are many other expressions in this speech, and in others of Lord Chatham, reported by Sir Philip, which appear to be favourite expressions of Junius. Thus, "*false fact*"—"*I am a plain man*"—"*ipso facto the law of the land*"—"*simplicity of common sense*," &c.

There are many favourite expressions in the avowed original works of Sir Philip, which Junius also uses habitually. "*Of his side*"—"*so far forth*"—"*I* mean *the public service*" (for *I would promote*). There is, moreover, in the general manner of writing, a resemblance extremely striking, especially where the author is off his guard, and permits his natural temper to appear. Sir Philip's later works resemble, in this respect, the private notes to Woodfall so strikingly, that we need scarcely give any examples. There is, for instance, a short note of Sir P. in this publication in the following terms. "*Pray* never mind anything I say, I *slave* myself to death, and write and speak on instant impression.—*So* I am very sorry if I have offended you." The very same tone, and almost the same words, occur in two notes of Junius, printed by Woodfall;—one of which begins, "*Pray* tell me whether George Onslow means to keep his word with you;" and ends, "and *so* I wish you good-night:"—And another runs thus, "Make yourself easy about me—I know you are an honest man—and I am never angry—I am overcome with the *slavery* of writing." We have not room to add other instances; but we have heard, that among those persons in London who have lived in his society, and are acquainted with his mode of expression, the conviction of his being the author of the Letters, is exceedingly strengthened by this likeness.

That the tempers of Junius and Sir Philip somewhat resemble each other, we have their own authority. Junius says to Woodfall—"Surely you have misjudged it very much about the book. I could not have con-

ceived it possible that you could protract the publication so long. At this time, particularly before Mr. Sawbridge's motion, it would have been of singular use. You have trifled too long with the public expectation. At a certain point of time the appetite palls. I fear you have already lost the season. The book, I am sure, will lose the greatest part of the effect I expected from it. But I have done." (p. 157.) And again, to Wilkes, "You at least, Mr. Wilkes, should have shown more temper and prudence, and a better knowledge of mankind. No personal respects whatsoever should have persuaded you to concur in these ridiculous resolutions. But my own zeal, I perceive, betrays me: I will endeavour to keep a better guard upon my temper, and apply to your judgment in the most cautious and measured language." (*ib.*) Sir Philip, in his Speech (Parl. Debates, xxvii. 240.), says, most characteristically, "It was his purpose on this occasion to say things strong, severe, and personal; and if he should be thought to exceed the bounds of moderation, he desired it might not be imputed to a hasty impatience of temper, to which he was supposed to be more subject than other men; for he said them coolly and deliberately, and after having maturely reflected on their cause, and on their consequences." (p. 158.) And again, in his Speech, February 26, 1788, "Much has been said of my character, much of my temper. I have by one learned gentleman, not now present (the Master of the Rolls), been accused of comparing myself with him, and with others of his profession. Such a comparison I never presumed to make. Arrogance is one thing; passion is another. Passion I have ever conceived to be an honest, open, and manly emotion of the mind: arrogance, on the contrary, I take to be a cold, deliberate, thoughtful thing. I may have made use of warm or passionate language perhaps, but I was never guilty of the presumption and arrogance which have been imputed to me." (p. 158–9.)

There are some other considerations of a more general nature, which deserve notice in this argument. Sir

Philip Francis is still living; and that of itself furnishes a ground of presumption. The improbability is great, that the real Junius should have died, and left no trace by which to detect him. That he should have wished to be for ever unknown, is not likely; that he should have been able to elude all discovery, after his decease, is still less so. The curiously bound set of Letters which he had from Woodfall by his own directions, at once afforded a reason for believing that he intended to retain the means of proving his title, at a distant period, and exposed him to detection after his death, if he allowed that event to happen before he declared himself. Sir Philip's appointment to India is also extremely well accounted for, by the supposition that he was the author of Junius's Letters. That a clerk in the War-Office should, without having done anything to make him known, be sent out at once as a member of the Supreme Council, to which, for the first time, the powers of Government were about to be entrusted, seems at any rate sufficiently strange to require an explanation. He was not connected by family with any man of weight in the ministry; he was wholly unknown at the India House; he was equally obscure in the public eye; nor does it appear that he had any patron who interested himself in his promotion, previously to spring 1772, since, at that time, he was turned out of the Office, to make way for a favourite of the minister in whose department he served. The next thing we hear of after this dismissal, is his mission to India as a satrap, in very critical circumstances. But there is nothing surprising in the appointment, if we suppose that he either suffered himself to be known, or was detected as Junius after his removal from the War-Office; and that the minister, now made aware of his extraordinary talents, and of the risk to which they might expose him, recommended a step, justified by the qualifications of Sir Philip, and counselled by his own apprehensions. If the secret was only communicated to one man—if Sir Philip knew this, and made that one man personally responsible for its being kept—there was no doubt that

it would be so. Nothing but an idle love of talking could lead to its being divulged. There was something in the nature of the transaction which imposed silence upon both the parties; and Sir Philip, who had the chief interest in its concealment, was ready, during the whole lifetime of the other party, to watch over his fulfilment of the compact.

If it is demanded why Sir Philip should have persisted so long in the concealment, a satisfactory answer may be given, without having recourse to evidence drawn from the character and habits of the individual. Some of the principal personages attacked by Junius, have only been dead a very few years; the nearest relatives of many of them are still alive. The invectives of Junius against persons officially connected with Sir Philip, must have differed extremely from the letters which passed between them in the course of business, or in the intercourse of society. The circumstance of his appointment to India, the consequent silence of Junius, we may easily imagine to be a strong reason for reluctance to avow himself as the author. But if to these considerations we add, that Sir Philip has been, by the steady and honest course of his political life, thrown into habits of intimacy with the families of those whom Junius most unsparingly attacked, for their personal, as well as public conduct, we shall be convinced that the discovery would at any time have been productive of far more pain than the gratification of vanity could compensate, even admitting the reputation of Junius to be much higher than that of Sir Philip, which we are not very sure that he is likely to think it, and are still less of opinion that he ought. He has long, in his proper person, possessed the admiration of all who have a due regard for unblemished public virtue, great talents and accomplishments. He might well afford to forego the applause of the multitude, which could only be purchased by a sacrifice, certainly, of the tranquillity so invaluable in the decline of life, possibly of the good-will of some whose approbation he prefers to that of the crowd. Justice to this gentleman, as well as to

the argument which we are now bringing to a close, requires the insertion of the powerful testimonies borne to his rare merits, by the unanimous voice of the Managers of the Impeachment. The following is a part of the letter which they addressed to him, when the House of Commons, on account of his personal quarrel with Mr. Hastings, had excluded him from the Committee.

"We have perused, as our duty has often led us to do, with great attention, the records of the Company, during the time in which you executed the important office committed to you by Parliament; and our good opinion of you has grown in exact proportion to the minuteness and accuracy of our researches. We have found that, as far as in you lay, you fully answered the ends of your arduous allegation. An exact obedience to the authority placed over you by the laws of your country, wise and steady principles of government, an inflexible integrity in yourself, and a firm resistance to all corrupt practice in others, crowned by an uniform benevolent attention to the rights, properties, and welfare of the natives (the grand leading object in your appointment), appear eminently throughout those records. Such a conduct, so tried, acknowledged, and recorded, demands our fullest confidence.

"These, Sir, are the qualities, and this is the conduct, on your part, on which we ground our *wishes* for your assistance. On what we are to ground our *right* to make any demand upon you, we are more at a loss to suggest. Our sole titles, we are sensible, are to be found in the public exigencies, and in your public spirit. Permit us, Sir, to call for this further service in the name of the people of India, for whom your parental care has been so long distinguished, and in support of whose cause you have encountered so many difficulties, vexations, and dangers."—pp. 23, 24.

This letter was written by the Chairman, Mr. Burke, and signed by himself and his colleagues; among whom we find the names of Fox, Sheridan, Windham, North, and Fitzpatrick. Mr. Burke, in one of his speeches upon the India Bills, has thus described him.

"This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy, make the most shining part of our reports, from whence we have learned all our lessons, if we have learned any good ones; this man, from whose materials those gentlemen, who have least acknowledged it, have yet spoken as from a brief; this man, driven from his employment, discountenanced by the Directors, has had no other reward, and no other distinction, but that inward 'sunshine of the soul,' which a good conscience can always bestow on itself."—pp. 25, 26.

Having shown that all the evidence which can be drawn from a comparison of Junius's Letters and Sir Philip Francis's Life and Writings, points him out as the author—that there is no circumstance which does not tally with this conclusion, and no difficulty which it does not explain—we shall now very briefly advert to one or two particulars of evidence more strictly external than any which has yet been considered.

From several parts of the correspondence with Woodfall, it should seem that Junius frequently delivered the letters himself. When he employed another hand, we may be well assured it was that of a porter or other ordinary messenger, as was ascertained, in one instance, by Wilkes, who examined the person, and learnt that he received the packet from a gentleman. That he should entrust anybody with his secret, for the mere purpose of conveying the letters, appears highly improbable; and to have given a packet for Woodfall to a friend to carry, would have been telling him the whole. Now, it seems that a gentleman of respectability, Mr. Jackson of Ipswich, was in Woodfall's employment at the period of the Letters;—and he states, "that he once saw a *tall* gentleman, dressed in a light coat, with bag and sword, throw into the office-door, opening in Ivy Lane, a letter of Junius's, which he picked up, and immediately followed the bearer of it into St. Paul's Churchyard, where he got into a hackney-coach, and drove off."—(*Woodfall*, i. 43.) The author of the work before us states, that the figure and appearance of Sir Philip answer to this description as far as it goes.

There are various peculiarities of spelling which occur uniformly in both writers; and neither of them has any such peculiarity that is not common to both. Thus, they both write "practise" with an *s*; "compleatly" instead of "completely;" "*in*gross," *in*tire, *in*trust, and many other such words, which are usually begun with an *e*—endeav*or* without an *u*—*sk*reen with a *k*, and several others. There may not be much in any of these instances taken singly; but when we find that *all* the peculiarities which belong to either writer

are common to both, it is impossible not to receive them as ingredients in the mass of evidence.

It is stated by a person who examined, with Wilkes, the form and folding of the letters received by him, that they both agreed in "thinking they could see marks of the writer's habit of folding and directing official letters."

Last of all, a careful examination has been instituted of the handwriting of Junius; and the specimens published by Woodfall have been diligently compared with letters of Sir Philip Francis. Those of Junius are known to be all written in a feigned hand; but its general character agrees well with that of Sir Philip's. Wherever, in the hurry of writing, (for example, where a word is interlined,) the natural hand, or something near it, breaks out, the resemblance is more complete; and certain peculiarities, preserved in the feigned hand, occur also in Sir Philip's. We cannot follow the comparison through its minute details; but we are confident that it must go far towards satisfying those whom the rest of the argument may have failed to convince. Some of the more remarkable coincidences are as follows.

When Sir P. F. signs with his initials, he draws a short strong line above and below them. The very same lines are uniformly drawn under and over the initials with which Junius signs his private letters to Woodfall. In correcting the press, they both use, instead of the ordinary sign of deletion, a different and very peculiar sign, exactly the same in both. They both place the asterisk or star of reference to a foot-note, at the *beginning*, and not at the *end* of the passage to which it belongs—contrary to what may be termed the invariable usage of other writers. They both write the words *you* and *yours*, in all cases, with a large *Y*, the form of which is strikingly alike in both authors. They also use a half large c at the beginning of a word,—of a peculiar and characteristic formation. Their ciphers or numerals are all formed exactly on the same plan; as are most of their compound letters. Instead of a

round dot over the *i*, they both invariably use an oblique stroke, sloping in the opposite direction to that of the general writing; and they mark their quotations, not by inverted commas, but by short perpendicular lines. They are both uniformly correct and systematic in the punctuation of their MS. Both write a distinct little *a* over &c.; and connect words divided at the end of a line, not by a hyphen, but a colon, which is repeated, contrary to general usage, at the beginning of the second line, as well as the end of the first.[1]

Before concluding this article, we must repeat, that the diligence of the author, whose work furnishes the materials of this argument, is very praiseworthy, and that the merit of the investigation belongs entirely to him. We cannot, however, avoid remarking, that he has frequently overloaded his book with useless and irrelevant quotations;—for example, much of the Speeches of Lord Chatham, and of Sir Philip Francis's pamphlets; that he many times draws conclusions from such trivial resemblances in expression as prove nothing, —*e. g.* p. 236, 237, 235, 238—beside a variety of other instances; and that, in some places, he seems to lose himself, and goes on quoting and reasoning, without recollecting the point to be proved—as, where he compares a Report of Lord Chatham's Speeches, admitted to be made by Sir Philip, with the avowed productions of the latter (p. 266, B. 25).

[1] We understand that it is confidently stated in London, that still more precise evidence exists of the similarity of the hands, drawn from Sir Philip's earlier penmanship. A letter, too, of Sir P. F. in a feigned hand has been found, and its resemblance to the feigned hand of Junius is remarkable.—Upon the whole, the sounder opinion seems to prevail, that he was employed in copying the Letters, but was not the author. All his own speeches, when the subject was mentioned before him, indicated great soreness at the accusation, but betrayed a knowledge of the author.

# CRAWFORD—HISTORICAL AND LITERARY ANECDOTES.

(September, 1818.)

*Mélanges d'Histoire et de Littérature.* 8vo. Pp. 454. Paris, 1817.

This volume has never, we understand, been published, and it is accompanied by no preface or notice which might lead the reader to a knowledge, either of the author, or of the grounds for believing in the authenticity of its contents. But having accidentally obtained a copy, and been informed at the same time of its history, we feel justified in giving our readers an account of it, which there is no reason for believing will prove offensive in any quarter.

The editor and compiler is Mr. Quintin Crawford, a very respectable gentleman, of a Scotch family, but who has long been settled at Paris, where he is alike known for his hospitality and for the elegance of his literary leisure. Having become possessed of the original papers, which form the groundwork of this volume, he appears to have justly thought that the press furnished the best means of preserving them; and we trust that he will be further prevailed upon to allow the public at large access to them. Some of them are indeed curious and interesting, in a high degree, to the lovers of Literary History. Those tracts which are not expressly stated to be the productions of others, we presume are written by Mr. Crawford himself.

The first piece relates to Abelard and Eloisa, and the Paraclete. It consists of two modern letters upon the story of those unfortunate persons, written by a person whom Mr. Crawford praises highly as a sound and saga-

cious critic, but does not name; and of two ancient epistles from Petrus Venerabilis, Abbot of Cluni, to Eloisa, together with a catalogue and short account of all the Abbesses of the Paraclete, to the number of twenty-nine, justly regarded by the editor as only interesting to the families from which those holy persons sprung, and a few Papal Bulls respecting the same establishment. The author of the two critical letters, rather triumphs a little too much over his unfortunate predecessors—upon his superior felicity and discernment in the rectification of certain points of much antiquarian importance, chiefly connected with the grand matter of dates: But this is by immemorial usage the undoubted right of all critics and antiquaries; and we must allow him the praise of adding considerably to the knowledge hitherto possessed on the subject. The common story, indeed, of Abelard being employed as a tutor to Eloisa, and his being punished as soon as her uncle knew of her dishonour, is exceedingly remote from the truth. It is well known that Abelard was a person of the very highest eminence in philosophy and all the literature of his age;—that he became enamoured of Eloisa, and tempted the avarice of the old Canon, Hubert, with whom she lived, by offering him a large board on condition of his taking him into the house;—that the Canon added to the bargain, the further obligation of instructing his niece;—and that upon her proving with child, they both made their escape, she lying-in at his sister's, and he soon after returning—apparently without any loss of respect—to prosecute his studies, and continue his school of philosophy.

Our author fixes the date of her delivery in 1118, when she was eighteen, and he thirty-eight years old. He soon found means to appease Hubert, by promising marriage; but Eloisa, (as we know from one of those exquisite letters which Pope has imitated,)[1] in a fit of

[1] The closeness of the imitation in many places approaches to translation. Wharton has cited part of the original of the celebrated passage alluded to in the text; but he has stopped short where the resemblance becomes strongest:—"Etsi uxoris nomen

romantic attachment, refused to be anything more (or less) than his mistress,—and would not listen to a project which, according to the customs of the age, would have put an end to the principal occupation of his life. A secret marriage was then agreed upon, to satisfy the uncle, with whom she continued to reside; while the lover pursued his ordinary occupations—seeing her very seldom. At length some worthy nuns began to gossip, and to complain of the reverend canon's complaisance. He assured them of the marriage, which the lovers denied; and this produced a quarrel with Hubert, and a second elopement of his niece. Our author judiciously suggests, that the extreme unwillingness of Abelard to terminate all their difficulties by a public marriage, and his suffering Eloisa to sacrifice herself for his advantage, may show that (as not unfrequently happens in such attachments) there was more love on her side than on his. The catastrophe followed in all probability soon after the second elopement; and five persons were engaged in it, beside Hubert, and a treacherous servant of Abelard's. Of these, only one and the servant were taken; they suffered by the *lex talionis*, and had their eyes put out besides; and Hubert's goods were confiscated to the Church.

Abelard, resolving now to retire from the world, made his unfortunate mistress do the same; though she seems not to have finally made up her mind for two years. She took the veil in 1122, at Argenteuil, after the usual noviciate of a year; and he soon after professed at St. Denis. Being of a turbulent, austere, and even quarrelsome disposition, he could not remain long in this

sanctius et validius videtur, dulcius mihi semper extitit Amicæ vocabulum, aut, si non indigneris, Concubinæ vel Scorti. Deum testem invoco, si me Augustus, universo præsidens mundo, matrimonii honore dignaretur, totumque mihi orbem confirmaret in perpetuo præsidendum, charius mihi et dignius mihi videtur tua dici Meretrix quam illius Imperatrix." Many of the amplifications of Pope upon the various parts of the original are to be found in the Count Bussy Rabutin's publication of the Letters, and in the *Histoire d'Heloise et d'Abeilard*, Hague, 1693—if we may judge from the citations in Bayle.

fraternity, but retired to a wild forest, near Nagent-sur-Seine, where he founded the Paraclete, sometime between 1128 and 1130. Although, at first, he had only a log-house for a chapel, and a few miserable huts for habitations, his great fame attracted scholars, who flocked around him, and led the life of hermits, to receive his instructions. In this situation, he was chosen Abbot of St. Gildas de Ruyr, whither he immediately repaired. Meantime Eloisa's convent was dissolved, by the appropriation of its lands to another house; and Abelard invited her to become Abbess of the Paraclete, where she established herself with some other refugees, among whom were two nieces of his. At St. Gildas, to which he returned as soon as he had put Eloisa in possession of the Paraclete, he, as usual, quarrelled with his monks:—his misfortunes, indeed, seem to have soured his temper, naturally irritable. Peter of Cluni afforded him a retreat; and he died in that monastery, of a cutaneous disease, in April 1142, at the age of sixty-three. Eloisa survived him twenty years, and died at the same age. Their only child, who, from his extraordinary beauty, was named Astrolabe, took orders, obtained a canonry through the interest of the good Abbot of Cluni, and survived his father; but has left no further traces of himself in history. Some of Eloisa's letters speak of her anxiety for his advancement in the Church, with her characteristic earnestness and warmth of affection.

The remains of Abelard were transported to the Paraclete by Eloisa's desire, and she was herself buried in the same coffin. The bodies were afterwards separated, but in 1779 they were again united; and, in opening the coffins, it was then observed that Abelard's bones were reduced to dust, except the skull, which was of an extraordinary thickness; that Eloisa's were much better preserved; that her skull was also peculiarly thick, and the teeth of a beautiful whiteness. These remains were, during the Revolution, carried to Paris, and were, till lately, in the Museum of Ancient Monuments; but the piety of the restored government has

consigned them to a more consecrated place in the cemetery of Père Lachaise. The following account of the Paraclete, when visited by our author, may interest the curious reader; but we give it as an example of better regulations than are usually to be found in such establishments; and we may add, that the narrative confirms an opinion entertained by many, that such cloisters might, under proper management, be productive of excellent effects, even in our times, provided voluntary residence could be reconciled with the infirmities of the human temper. The reader will perceive, that some particulars are quite at variance with the account of a similar excursion given in the Annual Register for 1768,—for instance, the statement in the latter, that none of the inhabitants seemed to know anything about the founders, or their adventures.

" En entrant dans le parloir ou salle de compagnie de l'abbesse, les yeux sont frappés par plusieurs portraits gravés d'Abeillard et d'Héloise; elle les a sur sa tabatière et dans toutes les pièces de son appartement, même au chevet de son lit. J'entrai dans plusieurs cellules des religieuses, où les mêmes portraits dominent parmi les crucifix et les reliques. Le Paraclet est, je crois, dans le monde, l'unique couvent où les plaisirs et les malheurs de deux amans soient un sujet continuel de réflexions et de discours.

" Le monastère est chef d'ordre, soumis à la règle de St. Benoit, qui ne prescrit aucune austérité, et qui fut d'ailleurs adoucie par les modifications qu'y apportât Abeillard. Les religieuses sont proprement et commodément logées, les murs bien blanchis, les parquets et les meubles d'un travail assez grossier, mais cirés avec le même soin que la plus belle marqueterie. Les lits m'ont paru bons; on les garnit l'été des rideaux de toile de coton blanc; et l'hiver, de serge bleue. Les religieuses sont bien nourries, portent des chemises de toile quand elles les préfèrent à celles de laine, se couchent à huit ou neuf heures, se lèvent à quatre heures du matin en été, et à six heures en hiver, et ont en tout cinq ou six heures d'offices, à différentes époques de la journée. Le vêtement des religieuses, semblable dit-on à celui que portoit Héloise, est assez agréable; et quoiqu'elles aient la tête rasée, leur genre de coiffure ne déplait pas.

" Lorsqu'une fille se présente pour être reçue au Paraclet, elle commence selon l'usage par un noviciat; après lequel on l'exhorte à bien consulter sa vocation; et afin de lui donner une idée infiniment juste du monde qu'elle veut quitter, on lui en fait, autant qu'on le peut dans ce lieu, éprouver tous les agrémens. D'abord on la laisse promener, autant qu'il lui plaît, dans une garenne voisine du couvent. L'abbesse la mène dîner chez le curé d'Avant, village à une

lieue du Paraclet, et qui leur fait la meilleure chère qu'il peut. C'est de ce curé lui-même que je tiens ces détails qui me les raconta en riant. Quand la novice a ainsi passé le terme de son noviciat, si sa vocation se soutient, on l'admet à faire profession, et à prononcer les vœux. Ces victimes volontaires ne m'ont paru ni tristes ni farouches."

Our author adds, that the tradition of the place is not very favourable to the amenity of Eloisa's temper and manners in her retreat, however exalted a notion it may give of the charms of her conversation—charms to which all accounts bear witness; and, indeed, the remains of her correspondence themselves impress us with an extraordinary sense of her merits. The best judges, as is here remarked, have given to her style the preference over that of her friend and master, for purity and natural grace. Her temper, like his, was in all likelihood affected by their calamities.

The letters of Peter of Cluni are curious specimens of monkish correspondence. They are translated from the Latin, and begin, "Peter, humble Abbot of Cluni, wishes the eternal life which God has promised those who love him, to the venerable Abbess Eloisa, his very dear sister in Jesus Christ." He expresses the greatest admiration of her, and the most entire devotion to her service; but his holy gallantry is of a very different complexion from Abelard's,—for it is the graces of the spirit alone that he has in contemplation. He appears to have made a visit to the Paraclete, and to have returned impressed with a wonderful reverence for her sanctity and talents.[1] We know not, however, if the minute particulars respecting Abelard, which he details in one of the letters, are wholly due to pious enthusiasm. The good Abbot probably felt, that he could not more acceptably serve his venerable sister than by dwelling on a subject so dear to the woman as well as the nun.

"La Providence, qui dispose de tout avec sagesse, en nous refusant

[1] It is remarkable, that her person is by no means spoken of in raptures by him who should have prized it most highly. "Cum per faciem non esset infima, per abundantiam litterarum erat suprema," says Abelard himself.

cette faveur (viz. qu'Héloise fût de l'ordre de Cluni), nous en a accordé une semblable, en nous envoyant un autre vous-même; c'est assez désigner le Maître,[1] ce grand sectateur de la philosophie de Jésus-Christ. J'ai incessament son nom à la bouche, et toujours je le prononce avec un nouveau respect. La divine Providence l'avoit conduit à Cluni dans les dernières années de sa vie; c'est le plus précieux présent qu'elle pouvoit nous faire. Il me faudroit un long discours pour vous rendre l'impression qu'a faite sur tous nos frères sa conduite aussi humble qu'édifiante: Non, je ne crois pas avoir un son semblable en humilité, tant pour les vêtemens que pour le maintien; je l'obligeois à tenir le premier rang parmi notre nombreuse communauté, et il paroissoit le dernier de tous par la pauvreté de son habit. Dans les processions comme il marchoit devant moi, suivant la coutume, j'admirois comment un homme d'une si grande réputation pouvoit s'abaisser de la sorte et se mépriser lui-même. Il observoit dans la nourriture et dans tous les besoins du corps la même simplicité que dans ses habits, et condamnoit par ses discours et par son exemple, non-seulement le superflu, mais tout ce qui n'est pas absolument nécessaire. Il lisoit souvent, prioit beaucoup, gardoit un silence perpétuel, si ce n'est quand il étoit forcé de parler, ou dans les conférences, ou dans les sermons qu'il faisoit à la communauté. Il offroit fréquemment le sacrifice, et même presque tous les jours, depuis que par mes lettres et par mes sollicitations il avoit été reconcilié avec le Saint-Siége. Que dirai-je davantage? Son esprit, son cœur, toutes ses facultés étoient occupées de la méditation, ou de l'exposition et de l'enseignement des vérités de la religion ou de la philosophie."

He then describes his having been removed when he fell ill, for a change of air, to the neighbourhood of Chalons. His malady increased; but he continued the same holy life; and, at last, yielded up his breath in the midst of pious men, and in the performance of devout offices. "Avec quelle piété," (adds the good Abbot,) "avec quels sentimens de religion il fit d'abord sa confession de foi, puis celle de ses péchés! Avec quelle sainte avidité il reçut le saint viatique! Avec quelle foi il a recommandé à notre Seigneur son âme et son corps! Il y a eu autant de témoins de ces pieux sentimens, qu'il y a de religieux dans le monastère de Saint Marcel. Ainsi" (he concludes) "termina sa carrière ce fameux Docteur, qui du haut de sa chaire a fait retentir sa voix jusqu'aux extrémités de la terre." We trust it

[1] It was thus that Abelard was always named by the singular veneration of the age in which he lived, notwithstanding the broils in which his temper involved him.

may not be deemed a crime in the courts of romance, if we add, that this distinguished sage and gallant, in point of fact, died of the itch or mange. "Plus solito scabie et quibusdam corporis infirmitatibus gravabatur," says the account in his works. It is remarkable, that no notice is taken of Astrolabe by Bayle;—Moreri makes mention of him.

The next of these pieces is a dissertation apparently by the editor himself, upon that *quæstio vexata*, the *Man in the Iron Mask*. All the evidence upon this subject is collected, and the different opinions are stated and discussed. Among these, one is truly astonished to find, that one so absurd as the conjecture of its being the Duke of Monmouth could have found a single supporter among men of any pretensions to historical knowledge; for none but the class of literary men, of course, ever took part in this controversy. The prisoner was detained in custody from 1661 till the time of his death in 1703; while Monmouth was going about in the English Court and army till 1685, when he was publicly executed in London; and, supposing the difficulty of the date to be got over, what possible reason could the French Court have for confining him in order to secure the tranquillity of England and strengthen the title of King William and Queen Anne, with both of whom France was at war,—with the latter, indeed, at the moment of the prisoner's death?—Common sense rejects some of the other explanations as plainly as the most ordinary historical knowledge does the supposition of Monmouth. Thus, who can listen to the notion of a certain Duc de Beaufort, *second* son of the Duc de Vendôme, a bastard of Henry IV. by the celebrated Gabrielle? Still more ridiculous is the fancy broached by Mr. Dutens in his *Correspondance Interceptée*, that it was a minister of the Duke of Mantua, who had shown great skill in negotiations against the French interests, and whom, on that account, the French ambassador carried off, having invited him to a shooting party. It is manifest that such theories would be absurd in the highest degree, even if supported by the most plausible

appearances of external evidence; because nothing can overcome the incredibility of the Court taking the steps known to have been pursued towards this unhappy personage, without some adequate motive;—and that can only be found in the supposition of his having been a man of such importance as to create extreme alarm to the Government. All the probabilites are certainly in favour of his being a brother of Louis XIV., so like him that his resemblance would have made the dangerous disclosure. But whether he was a twin brother legitimately born, or an adulterous child of Anne of Austria, or her natural son born so soon after Louis XIII.'s death as to render his legitimacy possible, we can have no means of deciding. Our author inclines towards the last opinion. The solution of the question is not of very high importance: But it is of great moment to reflect on the state of a country subject to a government like that which could with impunity shut up in distant dungeons, and afterwards in the heart of its metropolis, during a period of above forty years, an individual so distinguished, that his jailer, always a person of high rank and trust, served him with his own hands; that during so long a time this victim should have been compelled to hide his face[1] on pain of instant death, which the guard had orders to inflict by firing on him when he went to mass if he showed himself; that no public mention should ever have been made of the incident, until Voltaire, many years afterwards, told the story; that though many persons saw acts of violence committed in securing him, the subject should have so long been confined to whispers; and that several persons should have been found dead suddenly, after accidentally being placed in situations where they *might* have made the important discovery. This is the state of things to which many of our wise politicans bid us cast our eyes as tranquil and happy; this is the kind of government which is deemed by them as far preferable

[1] The mask was not of iron, but of black velvet clasped with steel and a hinge, by means of which he could eat.

to any change, and most of all to the change effected by the Revolution.

This dissertation upon the Iron Mask is followed by a number of short pieces, containing anecdotes and reflections upon various political and historical subjects. There is none of these tracts that require particular attention, unless it be one upon the fortunes amassed by Ministers of State in France. An exact calculation makes the sums got and spent by Cardinal Mazarin during his administration, including his buildings, foundations, portions to relations, and money left to his heirs, amount to the enormous sum of 8,333,333*l.* sterling, (two hundred millions of livres). Dubois, at his death, enjoyed an income of above 110,000*l.* a year, in which our author includes a pension of 40,000*l.* from England, which he appears, we know not upon what authority, to think was unquestionably paid to this profligate wretch. How nobly does Fleury appear among such scenes of rapacity, confining himself to 5000*l.* a year, with all the revenues of the State and Church at his disposal during a long and prosperous ministry! It seems even the virtuous Sully had above 30,000*l.* a year, in places and church preferment held by him notwithstanding his being a Protestant; a sum equal to 60 or 70,000*l.* in the present day. Colbert, from the many high offices united in his person, is reckoned to have had nearly as much; beside the large sums which he occasionally received from the King, and which were equal to his other appointments. Le Tellier and Louvois had revenues and emoluments upon the same enormous scale; and our author estimates the gains of five ministers including Colbert, during forty-two years of Louis XIV.'s reign, at two hundred millions. These men are above all suspicion of having owed their fortune to peculation or illegal exactions; but the result is, that they and Mazarin together, received from the people of France for their ministerial services about seventeen millions sterling, being a sum equivalent perhaps to fifty millions in this country and at the present day. A cardinal having no legitimate family whose inheritance

could gratify his vanity, might now and then seek to perpetuate his name by endowments of a charitable and religious kind; but laymen spent the sums thus obtained in the usual ways. Thus, Louvois spent above half a million upon a house. It is probable that Milton may have had these things in his eye, rather than what he saw at home, when he said that the trappings of a monarchy would suffice to set up a commonwealth. It seems, however, that such gains were reserved for the Prime Minister;—in Louis XV.'s reign, at least, we find the salary of Secretary of State only about 6000*l.* a year, and those of Comptroller-General, Chancellor, and Keeper of the Seals, at from 5500*l.* to 6500*l.*

We now come to the last, the longest, and by far the most curious of these miscellaneous pieces. It is a kind of irregular Journal kept by a certain Madame du Hausset, femme-de-chambre of the celebrated Madame Pompadour, and occupies about 170 pages of this volume. The editor properly introduces it by stating the manner of obtaining it. M. Marigni, it seems, brother of the royal favourite, was one morning burning some old papers, when a friend of his, M. de Senac de Meilhan, called upon him. The former happening to say, "Here is a journal of my sister's waiting-maid, who was a very worthy person,"—M. de Senac saved it from the flames, and asked him for it, to which he assented. Mr. Crawford purchased it from this gentleman; and found it ill written and badly spelt, without any arrangement, and, as might be supposed, full of defects in style; for, though a gentlewoman, Madame du Hausset was but ill educated. In the present publication nothing has been changed except the orthography, and some of the proper names, which were confounded. She begins by mentioning, that she kept the Journal at the request of a friend, who was a woman of talents, and who wished her to write a book after the manner of Madame de Caylus's *Souvenirs*. Her intention was to give her friend the Journal, that it might be made more like its model. But we cannot help rejoicing that things took another course; for the work appears now in all the

simplicity of its original composition; and one advantage, among many, which it derives from thence, is the air of *naïveté* and honesty that pervades it all, and gives the reader an entire confidence in its truth.

Of course we do not mean to give any general account of the King's private habits—of his decorous visits in secret to Mad. de Pompadour—of his seraglio at the Parc aux Cerfs, where he generally carried on intrigues of an inferior description—of his mistress's alarms lest other persons of rank might supplant her, while she had hardly ever any other jealousy of those low amours—or of the kind of life generally which was led by the principal persons who are mentioned in this piece. We shall only select some of the most interesting particulars which are to be found in it; preferring those which throw light either upon remarkable men, or upon the administration of the French government in former times, to those passages which only gratify an idle curiosity.

One of the fortunate circumstances attending this journal is, that Mad. du Hausset happened to be mistress of the celebrated Quesnay, the founder of the sect of the Economists. He was, as is well known, a distinguished physician, and began to practise physic at Nantes, from whence he accompanied the Duc de Villeroi to Paris, as his medical attendant. There, as Mr. Crawford informs us in a valuable note, he happened to be in the Duke's carriage when Mdlle. d'Estrades, Mad. de Pompadour's favourite, and d'Argenson's mistress, was taken ill with an epileptic attack; and being called in, he concealed the nature of the malady with such discretion from all the family, that she recommended him to her powerful friend, who made him her physician, and obtained for him a place at Court, as well as apartments at Versailles. He was the son of a ploughman; and having passed his early years in the country, retained for its pursuits a strong predilection, which probably helped to bias his political doctrines. His disciples or followers, the Economists, reverenced him as the ancient philosophers did the founders of their sects;

they called him "*le Maître*," and used to say, "*le Maître l'a dit.*" Of a most active and indefatigable nature, he required new food for his mind, and began to cultivate the mathematical sciences with success, when he was upwards of seventy. He died in 1774, at the age of eighty: and the Marquis de Mirabeau (distinguished by the name of Mirabeau here from his well-known son) pronounced a funeral discourse upon him to a great assembly of Economists in deep mourning. Our author terms it a "chef-d'œuvre d'absurdité et de ridicule." He adds the following particulars respecting this celebrated personage.

"Quesnay avoit beaucoup de gaieté et de bonhommie; il se plaisoit dans la conversation à faire des espèces d'apologues qui avoient en général pour principe quelque objet de la campagne. Il dissertoit avec beaucoup de chaleur sans envie de briller. Logé dans un petit appartement qui tenoit de très près à celui de Mad. de Pompadour, il y recevoit quelques gens de lettres et quelques personnes de la cour. On y parloit très-librement, mais plus des choses que des personnes. Le roi l'appeloit *son penseur*: il lui accorda des lettres de noblesse; et voulant lui-même composer ses armes, il fit mettre sur l'écusson la fleur appelée *pensée*."

It is singular how complete an account of a man, pleasing and even delightful in society, these few particulars contain; and that this character was possessed by the founder of the Economists, we were certainly little prepared to expect. Everything relating to him in the Journal, however, confirms the remarks of the Editor, and only makes us regret that more is not known of Quesnay,—perhaps, too, that he did not apply himself more to lighter studies. Mad. du Hausset introduces him to our notice at the very beginning of her narrtive, with her usual simplicity. "J'étois devenue en peu de temps l'amie du docteur Quesnay, qui venoit souvent passer deux ou trois heures avec moi. Il recevoit chez lui des personnes de tous les partis, mais en petit nombre, et qui toutes avoient une très grande confiance en lui. On y parloit très-hardiment de tout; et ce qui fait leur éloge et le sien, jamais on n'a rien répété."—"Quelquefois, mais rarement, j'ai voyagé dans sa voiture avec le docteur, à qui Madame (de Pompadour) ne

disoit pas quatre paroles, quoique ce fût un homme d'un grand esprit." Mr. Crawford mentions the Doctor's way of amusing himself in society, by conveying his arguments, or giving instructions, in the form of fables. Mad. du Hausset has in this Journal preserved one of these, which is interesting enough, from the economical tinge of the ideas. We shall extract the passage, as it shows, moreover, the way in which this singular little group, the King, the mistress, the maid and the philosopher, all lived together.

" Le Roi sortit pour aller à la figuerie avec Madame, et bientôt après entra Quesnay, ensuite M. de Marigni. Je parlai avec mépris de quelqu'un qui aimoit beaucoup l'argent; et le docteur s'étant mis à rire, dit: 'J'ai fait un drôle de rêve cette nuit. J'étois dans le pays des anciens Germains; ma maison étoit vaste, et j'avois des tas de blé, des bestiaux en grand nombre, et de grands tonneaux pleins de cervoise; mais je souffrois du rheumatisme, et ne savois comment faire pour aller à cinquante lieues de là à une fontaine dont l'eau me guériroit. Il falloit passer chez un peuple étranger.' Un enchanteur parut et me dit: 'Je suis touché de ton embarras; tiens, voilà un petit paquet de poudre de *Prelinpinpin;* tous ceux à qui vous en donneras, te logeront, te nourriront et te feront toutes sortes de politesses. Je pris la poudre et le remercia bien.' Ah! comme j'aimerois la poudre de *prelinpinpin*, lui dis-je; j'en voudrois avoir plein mon armoire. 'Eh bien, dit le docteur, cette poudre, c'est l'argent que vous méprisez. Dites-moi, de tous ceux qui viennent ici, quel estcelui qui produit le plus d'effet?' Je n'en sais rien, lui dis-je. 'Eh bien! c'est M. de Montmartel[1] qui vient quatre ou cinq fois l'an.'—Pourquoi est-il considéré? 'Parce qu'il a des coffres pleins de *prelinpinpin*' (il tira quelques louis de sa poche); 'tout ce qui existe est renfermé dans ces petites pièces, qui peuvent vous conduire commodément au bout du monde. Tous les hommes obéissent à ceux qui ont cette poudre, et s'empressent de les servir. C'est mépriser le bonheur, la liberté, les jouissances de tout genre, que de mépriser l'argent.' Un cordon bleu passa sous les fenêtres; et je dis; Ce seigneur est bien plus content de son cordon que de mille et mille de vos pièces—'Quand je demande au roi une pension,' reprit Quesnay, 'c'est comme si je lui disois: Donnez-moi un moyen d'avoir un meilleur dîner, d'avoir un habit plus chaud, une voiture pour me garantir de la pluie, et me transporter sans fatigue. Mais celui qui lui demanda ruban, s'il osoit dire ce qu'il pense, disoit: " J'ai de la vanité, et je voudrois bien, quand je passe, voir le peuple me regarder d'un œil bêtement admirateur, et se ranger devant moi; je voudrois bien, quand j'entre dans une chambre, faire un effet

[1] "Alors banquier de la cour, qui laissa une fortune de trente-deux millions à son fils le Marquis de Brunoy."—*Ed.*

et fixer l'attention de gens qui se moqueront peut-être de moi à mon départ; je voudrois bien être appelé Monseigneur par la multitude." Tout cela n'est-il pas du vent? Ce ruban ne lui servira de rien dans presque tous les pays; il ne lui donne aucune puissance: mais mes pièces me donnent partout les moyens de secourir les malheureux. Vive la toute-puissante poudre de *prelinpinpin!*' A ces derniers mots on entendit rire aux éclats dans la pièce d'à côté, qui n'étoit séparée que par une portière. La porte étant ouverte, le Roi entra avec Madame et M. de Gontant. Il dit, Vive la poudre de *prelinpinpin!* Docteur, pourriez-vous m'en procurer? Le Roi étoit entré, et il lui avoit pris fantaisie d'écouter ce que l'on disoit. Madame fit de grandes amitiés au docteur, et le Roi, riant et parlant de la poudre avec éloge, sortit. Je m'en allois et le docteur aussi. Je me mis aussitôt à écrire cette conversation. On me dit depuis que M. Quesnay étoit fort instruit de certaines choses qui ont rapport aux finances, et qu'il étoit un grand *Economiste*. Mais je ne sais pas trop ce que c'est. Ce qu'il y a de certain, c'est qu'il avoit beaucoup d'esprit; il étoit fort gai et fort plaisant, et très habile médecin."

The sect of Quesnay, as is well known, were very far from being enthusiasts on certain subjects which fill ordinary men with anxiety and delight; they were no lovers of liberty; on the contrary, a regular despotism, "*despotisme légal*," was the government of which they rather approved.—So ignorant has been the clamour raised against them by senseless partisans in this country, and even in France, where they have been ridiculously confounded with the promoters of the Revolution! But, erroneous as their views were upon some of those great questions which most nearly concern the happiness of mankind, they could ill brook, in the government, any base or sordid artifices, inconsistent with, and inimical to public morals. Quesnay is represented as always ready boldly to bear testimony to the truth on such matters, even within the precincts of the court. Thus the Journal, giving a pretty minute detail of the method pursued systematically by the government to obtain the contents of letters sent by post, and which had grown into a regular department, with a superintendent and six or seven clerks, Mad. du Hausset adds—"Le docteur Quesnay, plusieurs fois devant moi, s'est mis en fureur contre cet *infâme* ministre, comme il l'appeloit; et à tel point que l'écume lui venoit à la bouche. Je ne dînerois plus volontiers avec l'intendant des postes qu'avec le

bourreau, disoit le docteur." "Il faut avouer" (she adds naturally enough), "que dans l'appartement de la maîtresse du roi il est étonnant d'entendre de pareils propos; et cela a duré vingt ans sans qu'on en ait parlé. C'étoit la probité qui parloit avec vivacité, disoit M. de Marigni, et non l'humeur ou la malveillance qui s'exhaloit."

Upon another occasion, she relates some information which she had from this upright and able man, respecting what had recently passed between the King and several of his most powerful ministers. At the time, no doubt, the anecdote bore the highest value; but the ministers and their master too are now almost forgotten; and the anecdote has lost its interest, or only retains any importance from the circumstance of a truly eminent person having related it, and being thus accidentally brought into our view. "Voilà" (says the Journalist), "ce que le Roi avoit dit, à ce que me confia mon ami Quesnay, qui étoit, par parenthèse, un grand génie suivant l'opinion de tous ceux qui l'avoit connu, et de plus un homme fort gai. Il aimoit causer avec moi de la campagne; j'y avois été élevée, et il me faisoit parler des herbages de Normandie et du Poitou, de la richesse des fermiers, et de la manière de cultiver. C'étoit le meilleur homme du monde, et qui étoit éloigné de la plus petite intrigue. Il étoit bien plus occupé à la cour de la meilleure manière de cultiver la terre que de tout ce qui s'y passoit." She adds, that M. de la Riviere was the man whom he esteemed the most, and whose capacity he thought the highest; deeming him the only fit person for the administration of the finances. The reader is aware, that this able minister, who had been *Intendant* at Martinique, was the most early, and among the most distinguished followers of Quesnay.

Quesnay appears, like the rest of his sect, to have been impressed with a peculiar dislike and dread of the bigoted party in France. When they had failed in their attempt to make the King dismiss Madame de Pompadour, after the affair of Damiens, they meanly paid the utmost court to her, though in private. They came in great numbers to wait upon her; and female devotees

were peculiarly anxious to show their respect. "The doctor made himself very merry," says our authoress, "with this change of operations; and, when I urged in defence of those good ladies, that they might, after all, be sincere, Ay, said he, but then they must take care how they ask for anything;"—a sagacious remark, which we recommend to the attention of our statesmen in the present day, to those especially who may turn their minds towards the political history of the rat species. About this time, Mad. du Hausset relates a curious conversation respecting the Dauphin, afterwards Louis XVI., occasioned by the fears of the philosopher, that persecution would revive. "Un jour j'étois chez le docteur Quesnay pendant que Madame étoit à la comédie. Le Marquis de Mirabeau y vint; et la conversation fut quelque tems fort ennuyeuse pour moi, n'y étant question que du *produit net*; enfin on parla d'autres choses." As the alarms which occupied them have been more than falsified by the event, we need not give the conversation; but Quesnay's opinion of the Dauphin is worth recording. He thought him virtuous and full of good intentions, and a man of parts, but likely to be ruled by the bigots; and he expected that the *Molinists* and *Jansenists* would unite against the philosophers, and be supported by the new Queen, Marie Antoinette. A saying of M. du Muy, that Voltaire deserved the punishment of death, alarmed him with the prospect of a persecuting reign; and he added, that he hoped he should not live long enough to see those evil days. There is much good sense in Mirabeau's remark upon this occasion. He said, the philosophers on their side were pushing matters too far; and they both agree in commending a late saying of Duclos—"Ces philosophes en feront tant qu'ils me forceront à aller à vêpres et à la grande messe." They all agreed, too, in regarding the continuance of Louis XV.'s reign as of extreme importance to the cause of toleration and liberality; but a little incident occurred, which one should have thought calculated to give them some doubts of that monarch's gentleness, where he was himself concerned, and even

to create a suspicion, that their favourite form of government, absolute monarchy, was not always safe for philosophers, any more than for the bulk of mankind. One day Quesnay came all in despair. Mirabeau had been suddenly carried off by the agents of the best of possible systems, and shut up in the castle of Vincennes, for some expressions in his work on Taxation. The constitutional means of redress adopted on this melancholy occasion, according to the true principles of the most perfect government, are worthy of notice; the more so, because, as extremes often meet, it happens, that, in our times, some of the lowest and most ignorant understandings in the world are recommending France to renew the very same order of things, which they agree with the truly enlightened Economists in holding to be the purest kind of constitution. First, Mad. de Mirabeau was to "throw herself at Mad. de Pompadour's feet;"—these are Quesnay's own expressions. Then he himself, through the *femme-de-chambre*, interceded with the same illustrious lady for his noble and philosophical friend; and the conversation is given at full length. At first, the worthy concubine was pleased to speak favourably of the Marquis, and to observe, that his work *L'Ami des Hommes* had done him credit. At this moment opportunely entered the Lieutenant of the Police, of whom she asked whether he had read the new book on Taxation. Yes, said the Lieutenant,—but justly deeming himself officially an object of suspicion, he added, that it was not he who had denounced the author. Being further asked his opinion of it, he cited the passage which seems to have caused the arrest. It is simply a remark, that the King, with twenty millions of subjects, could not obtain their services for want of money. At this the dear lady takes the alarm—"Quoi! il y a cela, docteur?" she exclaims. He tries to soften her, and succeeds;—the King arrives, and the doctor retires, leaving her to urge his suit. She found the King, we are told, furious against Mirabeau, but did all she could to appease him, and was seconded by the Lieutenant.

It seems that Quesnay never was easy in the King's

presence,—not from bashfulness, but from a kind of fear, which is thus described: "Un jour le roi lui parlant chez moi, et le docteur ayant l'air tout troublé, après que le roi fut sorti, je lui dis—'Vous avez l'air embarrassé devant le roi, et cependant il est si bon!'—'Madame, m'a-t-il répondu, je suis sorti à quarante ans de mon village, et j'ai bien peu d'expérience du monde, auquel je m'habitue difficilement. Lorsque je suis dans une chambre avec le roi, je me dis, Voilà un homme qui peut me faire couper la tête, et cette idée me trouble.'" She urges consolatory topics, taking his expressions literally—"Mais la justice et la bonté du roi ne devroient-elles pas vous rassurer?" He answers, that the affair is one of feeling, and not of reason:—and the editor, in a note, seems to take it much in the sense of the *femme-de-chambre*, only that his remedy is of a more constitutional description: he argues that, by law, no King of France can cut off any man's head without a trial. It is singular enough, that neither Mad. du Hausset nor Mr. Crawford should have reflected on the preceding story of Mirabeau's arrest for putting the King in a passion by a remark upon the principles of taxation; they might there have perceived the ground of Quesnay's alarms, which he described with a little jocose exaggeration.

We trust our readers will easily pardon us for having dwelt so long upon the subject of this excellent person. The services which he has rendered to science and to mankind are worthy of a greater fame than he enjoys. Without adopting the opinions of the sect which he founded, opinions in many respects erroneous, but chiefly from being pushed too far, we cannot hesitate in ascribing to his theory the high merit of having first given to political economy the form of a regular science; of having begun the destruction of the mercantile system, which Dr. Smith completed; of having turned the attention of statesmen, as well as theorists, to the paramount importance of agriculture; and, above all, of having first put rulers out of conceit with too much governing. The ridicule cast upon Quesnay's school by persons ignorant of its great merits, chiefly by mere

men of the world, would be hardly worth our notice, but that it shows itself a little in some of Mr. Crawford's comments. The sight of a real sect of philosophers, acknowledging a master, bound together by a community of principles, as well as by private friendship, and devoted to the propagation of those tenets with enthusiasm, had in it something strange, which easily became ludicrous, in the polished and gay court near which they sprung up. But while superficial men made themselves merry at their expense, the more rational observer could not fail to respect them for their merits and their virtues, and to be interested in the revival of a kind of connexion little known to modern times, but famous for having first planted and cultivated philosophy among mankind. The Economists were, in reality, and not merely in appearance, a sect of philosophers; they acted from honest zeal for the truth, and not from fashion, eccentric tastes, or the love of singularity; their sole object was to enlighten and improve mankind; and to them, among political inquirers, belongs the rare praise of having first pointed out the natural order of things, or the observed course of nature in the conduct of the world, as the example and guide of human polity.

*Secta fuit servare modum, finemque tueri,*
*Naturamque sequi, vitamque impendere vero,*
*Nec sibi sed toto genitum se credere mundo.*

In the course of this article we have seen several notable illustrations of the manner in which the most important affairs were managed under the tranquil, regular and legitimate government of the Bourbons as long as they owed their crown solely to divine right, and had no occasion to think of their subjects. The sycophants of those days, as well as of the present, called it *paternal*; but it should seem that the interests of the dear children were somewhat less attended to than the whims of the *mistress*, a sort of stepmother whose power was so great and whose interference so continual, that we marvel no one ever started against the phrase *gouvernement paternel*, that of *gouvernement de marâtre*. The following passage deserves to be extracted as car-

rying with it decisive evidence of the gross mismanagement of public affairs, wherever the people have no voice. It is a specimen of the manner in which the wheels of government are moved when left to the Prince's sole direction. It is in fact the history (but, of course, the secret history, for in such states there can be no other) of a great change of ministry; the dismissal of a Keeper of the Seals, and a chief Minister of State. We therefore humbly recommend it to the diligent perusal of the Lords Eldon and Castlereagh, who are supposed to feel our rustic mode of governing by parliaments, trials by jury and a free press, as somewhat cumbrous and burthensome. By way of preface, we should mention that the *time* when the following drama begins, is immediately after Damiens' attempt on the King's life, when the efforts made by the *parti dévot* to procure the favourite's dismissal had nearly succeeded. The *place* is the favourite's room; the actors speak for themselves, and the action takes up about two days. All the rules of the drama are well observed. As the language of the original is not the Law French known to the Chancellor, and as it differs as widely, both in genders, grammar, and vocabulary from that French which our Foreign Secretary is said to talk with great fluency and imperturbable boldness—being in short still further removed from his Lordship's French than his parliamentary discourse is from the vulgar tongue, we feel the necessity of departing from our usual plan, and giving a translation of the original scene, for the benefit of those noble personages; but it shall be a faithful and even a literal one.

"(Enter, first, Mad. La Maréchale de Mirepoix, confidante of Pompadour; and on coming in she immediately begins)—

*Mad. de M.* What's the matter, Ma'am? What are all those packages? Your servants say you are going.

*Mad. de Pompadour.* Alas! my dear friend, the Master[1] will have it so, according to Mons. de Machaut.[2]

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[1] Not Dr. Quesnay—but the King.

[2] Keeper of the Seals and of Mad. de Mirepoix, as well as Minister of the Marine.

*Mad. de M.* And what advice did *he* give the King?

*Mad. de P.* That I should go without delay. Hausset! (calling to the maid—who comes in and undresses her, that she may be more at her ease upon the sofa.)

*Mad. de M.* He wishes to have it all his own way, this keeper of ours, and he is betraying you; whoever leaves the table loses the game.

(Enter the Abbé de Bernis, M. de Soubise, and M. de Marigni—who all remain closeted with the ladies for an hour. Then *exeunt*. Then follows a scene between M. de Marigni and the Maid.)

*M. de Marigni.* She remains; but *mum mum*.[1] She'll pretend to go, that her enemies may be quieted—'Tis the little Maréchale has decided the matter, but her keeper will pay the reckoning. (Enter Dr. Quesnay, who tells a fable of a fox, who being at a table with other beasts, persuaded one of them that his enemies were in pursuit of him, in order to fall heir to his share of the food.) The rest of the piece, its denouement, we must give in the narrative of Mad. du Hausset.

"I did not see my mistress again till late at night, when I put her to bed. She was more composed; things were going on better and better for her and Machaut; her faithless friend was dismissed. The King returned to his former habits of frequenting her apartment. I learnt from M. de Marigni that the abbé had been to M. d'Argenson (the Minister of War) to persuade him to live on a more amicable footing with my mistress, and that he had met with a cold reception. 'He is puffed up with Machaut's dismissal,' said the abbé, 'as it leaves the field open to the ablest and most experienced; and I fear a dreadful struggle may ensue.' The next day my mistress having ordered her chair, I was curious to know where she was going, as she seldom went out except to church, or to some of the ministers. I learnt that she went to M. d'Argenson's. An hour afterwards she returned, and appeared to be very much out of sorts. She stood leaning over the chimney-piece, with her eyes fixed on the jambs. The abbé came in. I waited while she took off her cloak and gloves—she kept her hands in her muff. The abbé looked at her for some minutes, and then said—'You have the air of a sheep in a reverie.' She roused herself, and answered, throwing her muff on the sofa—'It's the wolf that throws the sheep into a reverie.' I left the room. The King came soon after, and I heard my mistress sobbing. The abbé came and bid me bring some Hoffman's drops. The King himself prepared the cordial with sugar, and gave it to her with the most gracious air possible—she candidly smiling and kissing his hands. I left the room; and heard early in the morning, the next day but one, that M. d'Argenson was banished. It was all his own fault; and this is the greatest proof of her influence my mistress ever gave. The King was

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[1] Orig. *Mutus*, which is a vulgar word for silence—and may be of use to our great negotiator at the impending Congress.

extremely fond of M. d'Argenson; and the war both by sea and land required those two ministers to have remained in office. Such, at least, was the prevailing opinion, at the time, among all classes."

We may add to this, that her protégé M. de Soubise was kept in the command of the army by her influence, while he ruined the campaign. The battle of Rosbach, accordingly, threatened to shake her ascendancy, and attempts were made to dismiss her; but some trifling success soon after was gained by the Marshal, and she was confirmed in favour; although our journalist mentions a cruel mortification that happened, from some one to whom Mad. de Pompadour was talking of the "great victory" of her friend, never having heard of it.

There is no reason whatever to doubt the accuracy of all Mad. du Hausset's details; for, beside the strong internal evidence of the style, and the testimony borne to her character by M. de Marigni, the coincidences of her story, with the narratives of other writers, who were in all probability unknown to her, wherever they touch on the same subject, afford irrefragable proof of her correctness. This remark applies also to the *Mémoires Secrètes* of Duclos, which were not published till after Mad. du Hausset's death. The dismissals, for instance, of which we have just seen the secret springs, are mentioned by him (tom. ii. p. 441, 516) in terms quite consistent with the statement of the Journal, as far as he knew the cause of that change; except that he speaks of Machaut as Minister of the Marine only, and does not mention the Seal. He adds, that never was there anything worse timed than turning out those experienced ministers, more especially as their successors were persons of the most manifest incapacity. Indeed, this author (and be it recollected, that he was no gossiping waiting-maid, but the Historiographer of France) seems to have been abundantly sensible of the pernicious influence enjoyed by Royal mistresses at the old legitimate Court of Versailles. To Madame de Maintenon he ascribes, in detail, the change of Louis XIV.'s

plan of campaign, when she procured the dismissal of Chamillart; and indeed her power during a period of thirty-five years was generally admitted by all Europe. Mad. de Pompadour exercised an equal sway: perhaps, from the character of the King, and the complexion of the times, her influence was more important. Duclos ascribes to it entirely the alliance with Austria, and the war of 1756, admitted by all French politicians to have been the greatest error ever made in foreign affairs, and the cause of all the mischiefs that happened previously to the Revolution. The flatteries of Marie Therese, and the vanity of being thought her personal friend, were the sole cause of this line of policy.

A trifling anecdote in the Journal shows the trifling causes which were supposed to influence so important a matter as the patronage of the ministers. Mad. du Hausset obtained a military post for a relation, from a person of high rank, on the condition that she made her mistress give the latter a part to play at their private theatricals, which had only a few lines to recite. It must be admitted, however, that these pages are full of proofs showing how generally and cordially the favourite was hated by the public. The fear of this breaking out in some act of violence, seems now and then to have restrained her; it was indeed the only obstacle to her absolute sway; and it certainly had this effect upon her worthy and philosophical brother, M. de Marigni, who, greatly to her chagrin, constantly resisted all offers of promotion, whether by place, rank, or marriage, saying, that for himself he loved a quiet life, and for her, it would be far worse if he acceded to her earnest wishes—"as the Royal mistresses are always sufficiently hated on their own account, without sharing in the odium belonging to ministers."

At the period to which the Journal refers, Turgot was a young man entering into public life; but there is one passage relating to him which we shall transcribe, although of no very remarkable interest.

"Un jour que j'étois à Paris j'allois dîner chez le docteur. Il

avoit assez de monde contre son ordinaire, et entre autres un jeune maître des requêtes d'une belle figure, qui portoit un nom de terre dont je ne me souviens pas, mais qui étoit fils du prevôt des Marchands, Turgot. On parla beaucoup d'administration, ce qui d'abord ne m'anima pas; ensuite il fut question de l'amour des François pour leur roi. M. Turgot prit la parole, et dit—'Cet amour n'est point aveugle, c'est un sentiment profond et un souvenir confus de grands bienfaits. La nation, et je dirai plus l'Europe et l'humanité, doivent à un roi de France, (j'ai oublié le nom)[1] la liberté; il a établi les communes et donné à une multitude immense d'hommes une existence civile. Je sais qu'on peut dire avec raison, qu'il a servi son intérêt en les affranchissant; qu'ils lui ont payé les redevances, et qu'enfin il a voulu par là, affoiblir la puissance des grands et de la noblesse. Mais qu'en résulte-t-il? Que cette opération est à la fois utile, politique et humaine.'—Des rois en général, on passa à Louis XV.; et le même M. Turgot dit que son règne seroit à jamais célèbre pour l'avancement des sciences, le progrès des lumières et de la philosophie. Il ajouta qu'il manquoit à Louis XV. ce que Louis XIV. avoit de trop, une grande opinion de lui-même; qu'il étoit instruit; que personne ne connoissoit mieux que lui la topographie de la France; qu'au conseil, son avis étoit toujours le plus juste; qu'il étoit fâcheux qu'il n'eût pas plus de confiance en lui-même, et ne plaçât pas sa confiance dans un premier ministre approuvé de la nation. Tout le monde fut de son avis. Je priai M. Quesnay d'écrire ce qu'avoit dit le jeune Turgot, et je le montrai à Madame. Elle fit à ce sujet l'éloge de ce maître des requêtes; et en ayant parlé au Roi, il dit, 'C'est une bonne race.'"

Perhaps, without intending to throw the slightest imputation of an artifice or an intrigue upon M. Turgot, we may be permitted to suspect, that this conversation was designed to reach the royal ear, through the faithful mad. du Hausset. These are necessarily the means of influencing courts and their policy in an arbitrary government. In England, M. Turgot would have attacked the ministry openly in Parliament, or through the press. In France, he was obliged to *speak at* the waiting-woman of the King's mistress.

There are many traces in this Journal, of the alarms which thinking men felt, even at that time, on the state of public affairs, and their conviction that some dreadful catastrophe would one day be rendered inevitable by the blind obstinacy of the Court, and its pertinacious refusal of all propositions for a reform of abuses. After some short and inefficient administrations had suc-

[1] Philippe-le-Long.

ceeded to that of d'Argenson and Machaut, the Duc de Choiseul, as is well known, was appointed, and carried on the war for the last four years, to the ruin and discomfiture of the French arms. He was, however, the greatest of all Mad. de Pompadour's favourites. Different persons view the same character in various lights. A grave writer describes him as a "petit-maître sans talens et sans instruction, qui a un peu de phosphore dans l'esprit." But our Journalist, seeing him with her lady's eyes, explains at once the cause of the favour he enjoyed, and of his remaining so long in the three highest offices of the State, in spite of his constant failures. "Ses manières avec elle étoient les plus aimables du monde, respectueuses et galantes; il n'étoit pas un jour sans la voir." Her brother and her physician thought very differently of him; they agreed with the grave writer.

"Ce n'est qu'un petit-maître, dit le docteur, et s'il étoit plus joli, fait pour être un favori d'Henri III. Le Marquis de Mirabeau entra avec M. de la Rivière. Ce royaume, dit Mirabeau, est bien mal; il n'y a ni sentimens énergiques, ni argent pour les suppléer. Il ne peut-être régénéré, dit la Rivière, que par une conquête comme à la Chine, ou par quelque grand bouleversement intérieur. Mais malheur à ceux qui s'y trouveront; le peuple François n'y va pas de main morte. Ces paroles me firent trembler, et je m'empressai de sortir. M. de Marigni en fit de même, sans avoir l'air d'être affecté de ce qu'on disoit. Vous avez entendu, me dit-il; mais n'ayez pas peur; rien n'est répété de ce qui se dit chez le docteur; ce sont d'honnêtes gens, quoiqu'un peu chimériques; ils ne savent pas s'arrêter. Cependant ils sont, je crois, dans la bonne voie; le malheur est qu'ils passent le but. J'écris cela en rentrant."

But the King, and the former favourites of either sex, received a very solemn warning to the same effect, in a remarkable anonymous letter sent to them mysteriously, as well as to the Police. Our Journalist has kept a copy of this piece, which is written with a force and clearness worthy of Junius, but perhaps in a more chaste style, and with less of *mannerism*. We conclude our extracts with the introduction of the letter, which is addressed to the King.

"Sire—This address proceeds from one who is zealous in your service. Truth is always unpalatable, especially to princes. Habi-

tuated to flattery, they only see objects in those colours which are pleasing to their eyes. But I have meditated and read much; and I here offer to your Majesty the result of my reflections. You have long been living invisible in the hands of persons who had an interest in preventing you from being seen, and making you afraid to speak. All direct communication is thus cut off between the sovereign and his people. Shut up in the recesses of your palace, you become daily more like the eastern emperors; but think, Sir, I beseech you, of their usual fate. You will probably rely on your troops; and so did they. But he who trusts to this resource, and makes himself only the king of the soldiers, is doomed, ere long, to see those soldiers feel their power, and abuse it. Your finances are in the utmost disorder, and most states have owed their ruin to this cause. The ancient commonwealths were maintained by the spirit of patriotism, which united all their citizens together for the general safety. In our times, money has become its substitute; this is now the universal agent, and you have it not. The spirit of purse-pride infects all parties, and domineers at court; everything has become venal, and all ranks are confounded. Since the dismissal of Messrs. d'Argenson and Machaut, your ministers are without genius, and without capacity for business. You alone are blind to their inefficiency, because they bring to you the work of clerks somewhat abler than themselves, and pass it for their own. They carry on the business by experiments from day to day; but there is nothing like a government. The army is disgusted with the changes in the military administration; and the best officers are retiring from it. A seditious spirit shows itself in the Parliaments; you betake yourself to the resource of corruption, and the remedy is worse than the mischief; it is introducing vice into the sanctuary of justice, and infecting the noble parts of the State. Would a corrupted Parliament ever have braved the fury of the league to preserve the crown for its rightful sovereign?"

We here must close our account of this curious Journal, and of the volume to which it belongs. If, in the course of our remarks upon French intrigue in former times, we may seem to have dwelt much upon the vices of the old Government, it is only because we feel the importance to France and to England of correct notions being entertained upon the subject. There is a senseless and a profligate party in both countries, whose efforts are, without intermission, directed to the praise of the old, and the disparagement of the new order of things, established among our neighbours. Nothing but the grossest ignorance can obtain a hearing for such miserable folly on either side of the Channel. But it is the duty of every friend of his country, and of

human improvement, to contribute his efforts towards withstanding and exposing the attempts thus made to effect a counter-revolution, which could only, if it succeeded, lead, through confusion and slaughter, to a renewal of systematic misgovernment and oppression. Happily, indeed, its success now seems wholly out of the question; but the attempt would ensure vast temporary misery to France herself, and would endanger the peace of all her neighbours. How far the present government of that country is the best of which the nature of things will admit, is another question, into which we forbear entering on this occasion. We are disposed, however, to regard it with a favourable eye, and to give all credit to those who have of late so steadily administered it. Certainly its prodigious superiority over the former constitution is too manifest to admit of a doubt; and those who are impatient to see it still more nearly resemble our own, should reflect, that ours was not the work of contrivance, but of time; that there is an essential difference in the present political character and habits of the two nations; and that the peaceful continuance of the existing order of things, by preparing our neighbours for a still greater share of liberty, will, in all human probability, ensure to them the possession, with the capacity of enjoying it.

# CRAWFORD—HISTORICAL AND LITERARY ANECDOTES.

(February, 1822.)

*Supplément aux Mélanges d'Histoire, de Littérature, &c. Tirés d'un Portefeuille.* Paris, 1820.

In our Sixtieth Number,[1] we gave an account of the curious collection of Tracts which the late Mr. Quintin Crawford had printed, but withheld from the public. He, some time before his death, added the Supplement which is now before us, and which, though also unpublished, we have understood he did not object to have candidly discussed. There was in truth no reason why he should dread the severity of criticism in any part of the work. The contents were all extremely interesting; and the portion which proceeded from his own pen, displayed both sound judgment and a correct taste.

The first piece in this Supplement is almost entirely by M. de Meilhan, and contains a number of judicious reflections upon the character and history of Louis XV., with several anecdotes more or less known already. The moral of the whole, or the practical application is, that, of all kinds of affection, by far the most worthless and unreasonable was the enthusiasm of the French for their Princes. Early in his reign, Louis XV. was taken dangerously ill at Metz; and the whole people of France were thrown into an alarm which hardly any public event had ever before excited. When a preacher, in the course of the sermon delivered upon his recovery, termed him in his presence, according to the adulatory style of the pulpit in those days, *Le bien-aimé*, the expression was, by universal consent, deemed so peculiarly fitted to indicate the place he held in the hearts of all

[1] See page 362.

men, that it flew instantaneously over the whole nation, and became at once and everywhere united to his name. Had he died then, says our author, he would have been regarded as the Titus of France in after times; and this, he very justly adds, without any one reason in the world, "except that he was handsome, young, and, dying in the flower of his age, would have got credit for all the good which he might have done." Unfortunately for his reputation, he lived to an old age, and is now only remembered as a pattern of indolence, voluptuousness and insignificance, rare even among absolute monarchs. There is much truth in the explanation here given of the great name often acquired by persons in distinguished stations, who are cut off suddenly in their youth. *Tu Marcellus eris!* The sentiment of pity inclines the world to a favourable judgment; and while time has not been given for committing many faults or displaying many deficiencies, the object of compassion is decked in the attributes which an indulgent fancy takes pleasure to invent. But the *Well-beloved* reigned somewhat too long to give the full benefit of this excuse to his votaries. He seems indeed to have felt this; and he was probably rather struck with shame than with the sensibility ascribed to him by M. de Meilhan, when he exclaimed, in the midst of the enthusiasm everywhere displayed by his subjects, "*Qu'ai-je donc fait pour être tant aimé?*" We greatly doubt if these paroxysms of unmeaning and mischievous feeling will ever again be exhibited among the French; and we trust, for the sake both of prince and people, they never may—their inevitable effect being to spoil the one, and degrade the other. Perhaps the reader may be of opinion, that the sentiments of divine right, in which kings are so prone to indulge, proceed not unnaturally from such excesses of devotion in their subjects. The following letter is full of them; it is one of the very few acts of vigour ever performed by Louis XV.; and, being addressed to his minister at the time of the disputes with the Parliaments in 1771, induces our author to suppose, that if the Revolution, which many think was then so near, had broken out, he would

have had firmness enough to resist its further progress. It is written entirely in the King's own hand, and addressed to the Duc de Richelieu.

" Poussé à bout comme je le suis, je ne puis plus différer de faire sentir à mon parlement que je suis le maître absolu—que ma puissance vient de Dieu, et que je n'en dois compte qu'à lui le jour où il me retirera de ce monde. Pour lors ils auront sous un autre maître, non moins le maître, mais peut-être plus vif que moi. Je suis roi et maître, ou c'est le parlement! Personne ne veut céder, et cependant il est nécessaire que quelqu'un plie. Je ne veux point détruire le parlement, mais je le veux réduire dans les justes bornes pour lesquels il a été institué; ainsi il faut qu'il cède, ou moi. Moi j'y mettrai toute la force que Dieu a mise dans mes mains, et je répandrai mon sang avec grand plaisir. S'il me demande pardon, s'il obéit à ce que je lui commande, avec joie je lui rendrai le pouvoir que je lui avois confié. Mais après toutes les incartades que j'ai vues, je ne souffrirai jamais qu'il puisse me mettre dans le même embarras.

" Je n'aime pas plus l'autorité des prêtres, en tant qu'ils veulent sortir des bornes mystiques; mais je veux qu'on rende à Dieu ce qui est à Dieu, et à César ce qui est à César. Or César ne tient que de Dieu ce qui est à César, et il ne le lâchera à personne sur la terre Française.

" Vous pouvez communiquer ceci à qui vous voudrez, n'étant pas fait pour vous seul; ainsi vous en ferez l'usage que vous jugerez à propos. Je ne le signe pas non plus; vous connoissez assez mon écriture pour être sûr qu'elle est de moi; *je le ferois même avec grand plaisir, s'il le falloit, d'une autre couleur!*"

We surrender this singular letter to the unbounded admiration of the Ultra-Royalists on both sides of the Channel. They will term it, no doubt, very firm and vigorous, and extol the writer for twice expressing the delight with which he was disposed to shed his blood for his fancied rights; forgetting that his existence as a King was only for his people's benefit, and that *his* blood could not fall in drops unless *theirs* flowed in torrents. It is singular that this piece should be the composition of one who, of all the Kings that ever reigned, lived the longest time merely for himself; without any great and glaring vices certainly, and with hardly any attempts to extend his power; but in a state of quiet, animal indulgence, which rendered his existence almost indifferent to his subjects. No case could therefore have occurred in which the rights of the crown were more peculiarly the private and personal interest of the sovereign; and we will venture to say, that no sovereign who held them avowedly, or sub-

stantially for the benefit of the State, ever claimed them so absolutely, or was more zealously devoted to uphold them.

The next pieces which excite interest in this collection relate to Louis XVI. and his unfortunate Queen; containing a number of curious anecdotes, many of them within Mr. Crawford's personal knowledge, of those two ill-fated individuals, especially during the latter years of their lives. There has, naturally enough, been so much exaggerated feeling on both sides respecting them, and facts have been in consequence so distorted, that it is quite refreshing to read anything which proceeds from a quarter of undeniable authority. Mr. C., though greatly disposed to take part with the sufferers, (and who indeed can avoid such a partiality?) yet writes with such exemplary calmness, that we cannot, generally speaking, avoid giving credit to his narrative.

Louis XVI. certainly owed the love which he obtained from those who approached him to his worth, and not to the graces that ordinarily captivate the frequenters of a court. His character, we are told, was reserved, and his manners far from prepossessing. "Des formes dénuées de grâce et même un peu brusques excluoient chez lui cette prévenance et cette aménité dont les souverains peuvent quelquefois tirer un si grand parti; d'ailleurs son maintien, ses manières, et un regard vacillant, produit par une vue courte, composoient un ensemble peu imposant; mais toutes ses actions et toutes ses paroles annonçoient des idées justes, et surtout l'homme de bien." His great defect was a want of firmness, arising from want of confidence in himself; and this again may be supposed to have originated in the evil education which at first prevented him from trying his own powers in manly pursuits, and in the frivolous occupations in which all the periods of his life seem to have been passed. When we apply such a term to them, it is only with reference to the exigencies of his station; for, in a private person, such pursuits would have been innocent and even laudable. His chief pleasure seems to have been the chase, and his favourite occupation some mechanical work, as

watch-making, in which he was so knowing, that M. Janvier owed to him the idea of his timepiece. He loved to converse with artists, and to make them explain the principles of their art; and it was an amiable trait in his character, and in harmony with all the rest, that, considering their time to be their fortune, he made a point of never keeping any one waiting whom he had sent for; but, if anything prevented him from seeing them at the appointed hour, he took care to give them early notice of the change. He was well informed upon some higher branches of knowledge; geography, in particular, was his favourite study. He drew up, himself, the instructions for the unfortunate La Peyrouse, who passed two hours with him on being named to command the expedition, and expressed to Mr. Crawford at dinner next day, his astonishment to find the King so intimately acquainted with everything regarding maritime discovery, and naval science in general.

Though naturally of an economical disposition, which he carried even to parsimony, he employed part of his savings in charity, and was peculiarly anxious to keep his acts of benevolence concealed. The Queen having one day discovered some such good work, he was somewhat angry; and then said good humouredly, and, we may add, wittily, "Il est bien singulier que je ne puisse aller en bonne fortune sans qu'on le sache." Our author positively denies that any of the financial distress in which the Revolution began, was owing to the extravagance of his household, or the Queen's. He was never prodigal, and very seldom generous; and could not, without great difficulty, be prevailed upon to allow of any extraordinary disbursements. He paid, indeed, the debts of his brothers, particularly the Count d'Artois, which required considerable sums of money; but his own civil list cost only between a million and a million and a quarter sterling; and appeared to the National Assembly so far from extravagant, that they fixed it at a sum founded upon the same estimates. The extravagance of his predecessor, and, still more, the expenses of the war 1778, were the real causes of the deficit.

The following particulars respecting the celebrated escape from the Tuileries are interesting, and place the amiable character of the King in its proper light.

" Le plan ayant été adopté, le Roi en confia l'exécution, depuis la frontière de l'ancienne province des trois évêchés, au Marquis de Bouillé, commandant de l'armée de l'Est, qui accepta cette dangereuse commission, purement par dévouement pour son souverain, et au risque de se perdre. Le soin de tirer, de Paris, la famille royale, fût confié à M. le Cte. de Ferzen, Colonel du régiment de Royal-Suédois. On avoit fait faire une solide berline dans laquelle devoient entrer leurs Majestés, M. le Dauphin, Madame Royale, Mad. Elisabeth, sœur du Roi, et un officier de confiance. Le choix de cet officier devoit tomber sur le Baron de Viornouil, ou sur le Marquis d'Agout, Major des Gardes-Françoises, tous les deux officiers-généraux pleins de zèle, et d'un caractère décidé. La Comtesse de Tourzel, qui avoit succédé à Mad. de Polignac, comme gouvernante des enfans, demanda avec instance à n'en être pas séparée. Leurs Majestés, touchées de ses larmes, consentirent à la prendre avec elles, ce qui ne laissa plus de place dans la voiture pour l'officier-général, qui, s'il s'y fût trouvé, auroit probablement surmonté les embarras qu'on éprouva. On obtint par M. de Simolin, ministre plénipotentiaire de Russie en France, un passeport sous le nom de la Baronne de Korff, alors à Paris avec sa famille. On choisit trois gardes-du-corps, qui furent déguisés en domestiques; deux devoient se placer sur le siège de la voiture, tandis que l'autre servoit de courier. Ils ne surent que le soir du départ l'objet auquel on les destinoit. Le premier fut envoyé vers dix heures avec la voiture de voyage, attelée de quatre chevaux, pour attendre leurs Majestés hors de la barrière de St-Martin. Le second resta dans le cabinet du Roi, et le troisième eut ordre de se tenir dans l'appartement de la Reine, et de l'accompagner à sa sortie du château.

" La famille royale soupa et se retira à l'ordinaire. A dix heures et demi, M. de Ferzen, déguisé en cocher, amenoit une voiture qui ressembloit à un carrosse de louage, dans la cour des Princes. Mad. de Tourzel sortit bientôt après avec le Dauphin et Madame Royale. M. de Ferzen, qui étoit descendu du siège pour les aider à entrer dans la voiture, m'a dit que Madame Royale versoit un torrent de larmes, comme si elle eût préssenti les malheurs qui les menaçoient. Lorsqu'ils furent montés, M. de Ferzen les conduisit au Petit Carrousel, et s'arrêta devant l'hôtel précédemment occupé par la Duchesse de la Vallière; cette maison fut choisie de préférence, parceque n'ayant qu'une très petite cour, on voyoit ordinairement des carrosses arrêtes devant la porte. Madame Elisabeth arriva la première, et fut suivie peu après du Roi; il avoit une redingote, une perruque et un chapeau rond. Après avoir attendu quelque tems la Reine, il s'impatient, craignant qu'il ne lui fût arrivé quelqu'accident; il vouloit retourner pour la chercher, et on eut beaucoup de la peine à le retenir. Dans cette intervalle, M. de la Fayette passa, suivi de deux cavaliers. Le Roi, qui le reconnut, s'exprima sur son compte

de manière à prouver que sa conduite et ses procédés l'avoient blessé profondément.[1] La Reine arriva enfin. En ouvrant la porte de son appartement, elle aperçut une sentinelle qu'elle ne s'attendoit pas à trouver. Elle s'arrêta un instant pour l'observer. La sentinelle se promenoit, la reine fit signe au garde-du-corps de la suivre sans bruit, et profitant du moment où la sentinelle tournoit le dos, ils descendirent l'escalier sans être aperçus. Toute la famille royale étant montée dans le carrosse, M. de Ferzen la mena jusqu'à la berline de voyage, et à quelque distance de celle-ci, la première voiture fut abandonnée près de la route. Les chevaux de poste étoient commandés à Bondi. On sait le reste. A peu près à la même heure, Monsieur et Madame[2] partirent du palais du Luxembourg, et arrivèrent sans aucun accident dans les Pays-Bas, que M. de Ferzen gagna lui-même. Si leurs Majestés eussent pris la même route, il est probable qu'elles n'eussent rencontrés aucun obstacle. Le plan de leur fuite fut aussi mal conçu que malheureusement exécuté.

Mr. Crawford had frequent access to this unfortunate family, both before and after their attempt to escape; he appears, indeed, to have been confidentially employed and consulted by them; and he both gives his own opinion, and, what is more remarkable, the opinion of the King and the Queen, in decided opposition to the policy of the Allies. They were far, indeed, he says, from approving the schemes of the Princes at Coblentz, and complained that those proceedings, adopted not only without their authority, but contrary to their sentiments and inclinations, were calculated to commit them, and to give their enemies a colour for the stories industriously propagated, of their privity to the invasion of France. The Queen, after discussing these points, expressed a desire to send some person of confidence to her brother Leopold, as well as to the Empress Catharine, for the purpose of giving those Sovereigns exact information of the state of things at Paris, and of the wishes of the Royal Family. At her request, our author pointed out a fit person for performing this delicate service; it was M. Simolin, the Russian minister at Paris. He undertook the office; saw both

[1] Such expressions, on the King's part, might be pardoned in his circumstances; but they can in no degree affect the esteem in which all good men must ever hold the truly consistent and venerable friend of liberty to whom the passage refers.

[2] The present King of France and his wife.

Leopold and Catharine; was with the former till the day of his being taken ill of the malady which proved fatal; fully explained to the latter the whole state of French affairs, and the mischiefs of the course adopted by the Princes; met with the most gracious reception from the Empress, who sent him back to Paris in the same employment, but continued to give her confidence to the emissary of the Coblentz faction. Mr. Crawford, upon the authority of the King's friends, who were best acquainted with the negotiation of the time, represents the agents of the Princes, in all the courts, as keeping themselves aloof from the concerns of the Royal family; taking a decided part with a view to their immediate employers: neglecting the interests, perhaps the safety, of the unfortunate captives; and acting upon the plan of holding all in subserviency to the Coblentz faction. He considers the proceedings at Pilnitz to have been principally the work of Leopold and Frederick, but known to the Count d'Artois, who was there with Calonne. The King and Queen appear to have been ignorant of them until afterwards. The latter said distinctly to himself, "Si des armées étrangères entrent en France, nous en serons les victimes." There is but too much reason to believe, that both the Princes and the Allies were far more alive to other considerations than to that which ought to have been uppermost in their minds upon public as well as personal grounds, the safety of the Royal prisoners.

A number of touching particulars are given by Mr. Crawford, concerning the demeanour and treatment of those illustrious victims. When an inhuman jailer (if our Tory magistrates and country gentlemen will allow that there can be such a character) would have dragged the King to the window while the head of the Princess de Lamballe was being carried past it, and a superior officer interposed to prevent this atrocity, some member of the municipality asked the jailer's name a-day or two afterwards. "Je l'ignore" (replied the King); "mais je me rappellerai toujours le nom de celui qui s'est opposé à son affreux dessein." As soon as the Assembly had taken the name of the Convention, and abolished Roy-

alty, the captives were guarded with extreme vigilance. Louis appears from henceforth (21st September) to have been prepared for his fate; and, being allowed to read, though strictly prevented from corresponding with any one by letter, he borrowed from M. de Malesherbes, his able and intrepid advocate, the volume of Hume's History, where the death of Charles I. is related. Should the book, which he returned a few days afterwards, be found, our author says it will probably contain notes written by the King, whose practice it was to write in the margin of the books he read. When the trial was fixed, he said to that excellent person, "Je suis bien persuadé que vous ferez tout ce qui est humainement possible; mais, mon ami, vos peines seront inutiles." It is well known, that he had come forward from his retirement in the country to defend the King, having quitted the profession some time before the Revolution, and that his honest zeal brought him to the same scaffold. Tronchet and Deseze, however, who had been appointed by the Convention, and, but for their noble conduct, were exposed to less risk, showed the same magnanimous courage in behalf of the illustrious accused. Deseze, in particular, signalized himself, and conferred new honours upon his profession. Deliberately casting his eye over the assembled tribunal, he exclaimed, "C'est vainement que je cherche des Juges parmi vous; je n'y vois que des Accusateurs." In honour of the French Bar, we should ever bear in mind, that its members courageously discharged their duty, amidst all the horrors of the worst times of the Revolution.

The "*Notice sur Marie Antoinette*," the more interesting of the two which we are examining, begins with a sketch, which bears the marks of being a more faithful likeness than has usually been presented to the public of the unfortunate Princess.

"Marie-Antoinette avoit plus d'éclat que de beauté; ses traits pris séparément n'offroient rien de remarquable, mais leur réunion avoit le plus grand agrément; et cette expression, souvent prodiguée, *pleine de charmes*, paroît la plus propre pour peindre l'ensemble de sa personne. Tous ses mouvemens avoient de la grâce; aucune femme

ne portoit mieux sa tête. Son esprit avoit peu de brillant, aussi elle ne montroit aucune prétention dans ce genre; mais elle savoit toujours trouver dans l'occasion ce qu'il y avoit à dire de plus convenable, selon les personnes et les circonstances."

She was very soon wearied and disgusted with the solemn formalities of court life, and formed a small society for herself, in which she delighted to pass her time, with all the unrestrained freedom of a private station. "*Là je suis moi*," she would say, when contrasting the enjoyment of her ease in this social intercourse, with the stiffness and representation of the royal circle. "Fatal imprudence!" exclaims our author; "source of so many misfortunes; for it was thus that she began to lose the affection, respect, and esteem of the public; and that many great families, indignant at being treated by her with so little attention, ceased to appear at court, except upon occasions when official duties required their presence." But though she might, in ordinary points, sacrifice to her love of society somewhat of the observances due to her station, no sooner did the hour of difficulty and danger approach, than she displayed those qualities of firmness and courage for which she was so eminently distinguished, even among the threatened and the persecuted of her own rank and sex.

"Dans la soirée du 5 Octobre 1789, on la vit écouter avec le plus grand calme les avis qu'on apportoit à chaque instant de la prochaine arrivée des Parisiens et de leurs intentions sanguinaires. Le Comte de Luxembourg, capitaine des gardes-du-corps, étant venu de la part du Roi proposer à la Reine de se réfugier avec ses enfans à Rambouillet: '*Dites au Roi*,' répondit-elle, '*que je ne me dissimule pas le péril où nous sommes, mais que je n'en suis pas intimidée; que ma place est auprès de sa personne, et que rien ne pourra me déterminer à le quitter, surtout dans ce moment dangereux.*' Dans la trop fameuse journée du lendemain, 6 Octobre, des assassins pénétrèrent à la pointe du jour dans son appartement à Versailles, après avoir massacré les gardes-du-corps, qui en se sacrifiant pour en défendre l'entrée, lui donnèrent le tems de se réfugier chez le Roi. Ses ennemis, furieux de la voir échappée, excitèrent bientôt la multitude rassemblée sous les fenêtres du Roi, dans la cour de Marbre, à exiger qu'elle se montrât. Elle parut sur le balcon avec ses enfans. Aux cris de '*Point d'enfans! la Reine seule!*' elle fit rentrer les enfans, et, de l'air le plus calme, se présenta seule à ce peuple furieux, que cet acte de courage étonna. Dans la même journée, traînée à Paris avec le Roi, elle eut à sup-

porter pendant six heures que dura la marche, le spectacle le plus épouvantable. Des femmes ivres de vin et de rage faisoient retentir l'air de leurs horribles hurlemens et des plus grossières injures. Cet affreux appareil avoit été précédé par des scélérats portant au bout de leurs piques les têtes des gardes-du-corps qui avoient été massacrés. Bientôt après, le Châtelet voulant instruire une procédure contre les auteurs des meurtres, envoya une députation pour demander à la Reine des renseignemens sur les attentats dont elle avoit failli être victime. Elle répondit aux commissaires: '*Messieurs, pour ce qui me regarde, j'ai tout vu, tout entendu, tout oublié.*' On l'avertit le 8 Octobre qu'il existoit encore un complot contre sa vie. Dans la soirée, elle racontoit ce qu'elle avoit appris à une dame qui étoit auprès d'elle, en ajoutant: *J'ai ordonné qu'au premier bruit qu'on entendra, l'on porte mes enfans chez le Roi.*"

This passage relates to three days only; but her whole conduct, during the four eventful years which succeeded, appears to have been marked by equal coolness and resolution. When the Palace of the Tuileries was forced by the armed populace, on the 20th June 1792, and the Royal family were only saved by the steadiness of some of the National Guards, the Queen remained with her children, in the presence of the furious multitude, for nearly four hours, during which they filled the various apartments; and she never betrayed the least appearance of alarm. Her conduct was the same on the memorable tenth of August; and, during her imprisonment in the Temple, her composure of mind never forsook her. When the King was sentenced, she only congratulated him upon the prospect of so soon exchanging a miserable existence for the everlasting happiness which awaited him. She had refused an offer made by the ministers Servan and Roland, in May 1792, to remove her to some place of safety abroad, and leave the King, whose chance of regaining the confidence of the country depended, in their opinion, upon her quitting him; but she would not consent to purchase her own safety by what she considered an abandonment of her husband, in the extremity of his distress and danger. After his death, she refused a proposition to escape, because the attempt could only be made by leaving her children behind. Our author was acquainted with the particulars of this plan; and

says it had been well digested by trustworthy persons, and appeared sure of success. He saw, likewise, the Queen's letters upon the subject. When brought to the scaffold, her appearance was wofully changed by the sorrows and hardships through which she had passed; her features were altered; her hair was blanched; and she had almost lost the use of one eye. The last words of Louis, when the noise of the drums interrupted his address, are well known. "*Français! Je meurs innocent; je pardonne à mes ennemis, et je souhaite que ma mort soit utile au peuple!—La France.*" - - - Those of the Queen were equally remarkable and appropriate. "*Seigneur! éclairez et touchez mes bourreaux: Adieu, mes enfans! je vais rejoindre votre père.*" We may add that, from a conversation which this ill-fated Princess had with our author, upon a letter full of warm expressions just received from her nephew the Emperor Francis, it is clear she never placed the least reliance upon his exertions in her behalf. "*Mon neveu*" (she said) "*ne pouvoit pas m'écrire autrement; mais cela ne veut rien dire.*"—"He could not help saying as much; but it all means nothing."

The anecdotes of Madame Goupil and Madame Caponet are only curious as showing the innumerable frauds which are practised in a court, by the creatures both of princes and ministers; and how easily, without any participation in the spoil, or even any knowledge of such proceedings on the part of the principals, the grossest corruption may be carried on by subaltern agents in a government, the transactions of which are veiled from public view. But the piece which closes this volume deserves more attention; it is a sketch of Baron de Thugut, so long prime minister of Austria, and who held that high office during the greater part of the late war. Our author justly observes, that there was much in his character and habits equally interesting to the philosopher and the politician. Possessed of supreme power for so many years, and undergoing all its labours as well as anxiety, he seemed wholly indifferent to every one of the gratifications for which other men desire it.

" Il ne voyoit dans l'éclat de la représentation, dans un accroissement de fortune, que des soins fatigans et de brillans embarras. Sans entours, sans protégés, il écartoit de lui le faste, ne connoissoit pas le luxe; il ne donnoit jamais de ces audiences publiques, où souvent l'orgueil jouit des empressemens d'une multitude d'hommes toujours prêts à se courber devant le crédit. Suivi d'un seul laquais, le premier ministre de la Monarchie Autrichienne se rendoit matin et soir dans le carrosse le plus simple, de la modeste maison qu'il habitoit dans un faubourg de Vienne, à la Chancellerie d'état, comme un commis se rend à son bureau. Maître de cet hôtel où habitoient ses prédécesseurs, il en dédaignoit les appartemens somptueux, pour se refugier dans un petit cabinet de travail; là il étoit tout entier aux affaires, ouvroit de sa main les dépêches les plus importantes, recevoit les ministres étrangers qui lui avoient demandé audience, enfermoit ensuite ses papiers sous clé, et retournoit chez lui dîner avec une ou deux personnes insignifiantes, qu'il faisoit discourir, sans jamais laisser échapper le moindre mot qui pût dévoiler ses projets ou ses opinions."

Mr. Crawford knew this singular man personally, and had an opportunity of conversing intimately with him after his retirement, and when he had no interest in deceiving; he also knew a great number of persons who had long been upon the most familiar terms with him. It requires this authority to make us believe in the existence of such a minister,—most rare indeed anywhere, but in a German Court hardly conceivable. He adds, that his person was unknown to the greater part of the people at Vienna, where he lived and ruled.

" Il avoit, en général, de la politesse dans ses manières et ses discours, mais il ignoroit ou dédaignoit l'art de se concilier l'affection. Sans goût, sans passion, sans famille,[1] insensible aux jouissances de la vanité, il avoit pour la fortune cette insouciance qu'on peut remarquer dans plusieurs savans absorbés par l'étude, et qui naît de l'aversion de tout soin domestique. Loin de rechercher les honneurs, il paroissoit plutôt vouloir les éviter. Son détachement de tout intérêt, et de tout désir d'élévation, ajoutoit puissamment à son esprit d'indépendance. D'autant plus inébranlable dans sa place, qu'on savoit qu'il la quitteroit sans regret, il s'y maintenoit par le seul ascendant de son génie, malgré l'opposition de toute la noblesse qui, blessée de voir un homme qui n'étoit point de sa classe, occuper la première place de la Monarchie, se déclara ouvertement contre lui. Avec ces diverses qualités, il faut faire contraster une certaine lenteur ou négligence qui, s'emparant de lui quelquefois, lui faisoit perdre des

[1] Except a sister who was a nun at Lintz, and whom he allowed a small pension of thirty pounds a year, and a brother, who lived and died a clerk in his office.

moments précieux; des accès d'humeur l'empêchoient de chercher des rapprochemens, soit avec les personnes, soit avec les puissances; rapprochemens que la bonne politique exigoit cependant."

What the combined efforts of the Austrian grandees could not effect, the intrigues of Russia and England succeeded in accomplishing, under the guidance of that truly wretched party, the French Emigrants, who made it a rule to distrust and to blacken every statesman whose good sense and knowledge of affairs led him to adopt a moderate, rational, and practicable line of policy. Thugut was removed; but not till after the same English and Russian influence had dictated to the Cabinet of Vienna, and the truly able general then in its confidence, those changes in the Swiss campaign which proved fatal to the Allies, and afterwards to the Austrian monarchy. A remark afterwards made by Thugut to our author, upon the events of those times, merits the attention of those who still affect to admire Mr. Pitt's foreign policy. "The greater part," he said, "of the schemes which had been pressed upon him, founded upon the reports of faithless agents, or upon fanciful assumption, were more fit to make a supplement to the adventures of Don Quixote, than to become the subject of a serious discussion." At a later period, we have heard of a similar observation being drawn forth by that project, which, whether we regard its conception or its results, may be allowed to have cast all Mr. Pitt's failures into the shade—we mean the celebrated Walcheren expedition. When the intention of our sage rulers to operate a diversion in that island, for the advantage of the Austrian arms, and to pour into its pestilental marshes our whole disposable force, was imparted to our Allies, the imperial minister is said to have asked, with an archness that overcame the Germanic phlegm, in what part of the world this same Walcheren was situated.

Let it not be said that we have bestowed too much attention upon this volume, in proportion to its bulk, or to the modest pretensions of its contents. The facts related by Mr. Crawford, from his personal observation,

are among the few safe materials that will remain for illustrating the history of these eventful times; and the future annalist will gladly have recourse to the testimony of one who, though unquestionably he may have been biassed by partiality, yet noted what he saw and heard, in circumstances which preclude all suspicion of a wish to deceive.

# JACOBITE ANECDOTES.

(July, 1819.)

*Political and Literary Anecdotes of his own Times.* By Dr. William King, Principal of St. Mary Hall, Oxon. Second Edition. 8vo. Pp. 268. London, Murray, 1819.

From the Revolution to the accession of his present Majesty, with the exception of a very few years, the Tories were in active and steady opposition not only to the ministers of the Crown, but in reality also to the individuals who had been called to wear it. At the same time, when we consider them as a party, whatever we may think of their principles, we must allow their conduct to have been, generally speaking, able, honourable and steady; nor did the slavish nature of their doctrines at all engender, as long as they were kept out of place, that paltry and time-serving spirit which has too uniformly distinguished their demeanour, since the termination of the disputes respecting the succession restored them to their natural situation. The learned person whose posthumous work now lies before us, was a Tory of the old school, having passed his whole life exactly in the evil days of exclusion from office; for he was born in 1685, and died in 1763. The liberality and independent feelings which appear in many of his remarks, are probably to be traced to this source; but they are not the less deserving of praise from us, and of attention from the partisans of the same school, who now combine with Toryism the mean propensities of mere place-hunters, which the older Tories despised. "At no time of my life, either in England or Ireland, either from the present or any former government, have I asked, or endeavoured by any means to obtain, a

place, pension, or employment of any kind. I could assign many reasons for my conduct; but one answer I have always ready: I inherited a patrimony, which I found sufficient to supply all my wants, and to leave me at liberty to pursue those liberal studies which afforded me the most solid pleasures in my youth, and are the delight and enjoyment of my old age. Besides, I always conceived a secret horror of a state of servitude and dependence: and I never yet saw a placeman or a courtier, whether in a higher or lower class, whether a priest or a layman, who was his own master." *Advert.* ix. x.

We are informed that the manuscript from which this work is printed, has been compared with the unquestionable handwriting of the Doctor, in the account-books of his College; that it was in the possession of two ladies, his relations; and that "from some minute additions and corrections of the language" (and the editor might have added, from the existence of a preface), little doubt can be entertained of the author having intended it for publication. The preface is written in his seventy-sixth year, and informs us, that the anecdotes were set down during hours of confinement from the infirmities of old age; that most of them were within his own knowledge, and the rest derived from sources to which he could trust. They are related in an easy and agreeable manner, and follow each other like a table-talk, without any regard to order, or merely with that kind of connexion which arises from one story suggesting another. The first anecdote in the volume relates to Bishop Atterbury, of whom, from similarity of principles, our author is a great admirer; and the reader will immediately detect a slight inaccuracy in it.

"In 1715 I dined with the Duke of Ormonde at Richmond. We were fourteen at table. There was my Lord Marr, my Lord Jersey, my Lord Arran, my Lord Lansdown, Sir William Wyndham, Sir Redmond Everard, and Atterbury Bishop of *Rochester*. The rest of the company I do not exactly remember. During the dinner there was a jocular dispute (I forget how it was introduced) concerning short prayers. Sir William Wyndham told us, that the shortest prayer he had ever heard was the prayer of a common soldier just

before the battle of *Blenheim*, '*O God, if there be a God, save my soul, if I have a soul.*" This was followed by a general laugh. I immediately reflected that such a treatment of the subject was too ludicrous, at least very improper, where a learned and religious prelate was one of the company. But I had soon an opportunity of making a different reflection. ATTERBURY, seeming to join in the conversation, and applying himself to Sir WILLIAM WYNDHAM, said, 'Your prayer, Sir WILLIAM, is indeed very short; but I remember another as short, but much better, offered up likewise by a poor soldier in the same circumstances, '*O God, if in the day of battle I forget thee, do thou not forget me!*' This, as ATTERBURY pronounced it, with his usual grace and dignity, was a very gentle and polite reproof, and was immediately felt by the whole company. And the Duke of ORMONDE, who was the best-bred man of his age, suddenly turned the discourse to another subject."—pp. 7–9.

Now, the second prayer was not "one offered up by a poor soldier" without a name, but by Lord Astley, a distinguished cavalier, before he charged at the battle of Edgehill; and the words of the prayer, as given by Hume, after Warwick, are materially different. "O Lord! thou knowest how busy I must be this day. If I forget thee," &c. Upon this the free-thinking historian remarks, with his accustomed *naïveté*, "there were certainly much longer prayers in the Parliamentary army; but I doubt if there was so good a one."

The good Doctor having always been a water-drinker himself, is extremely severe upon any indulgence in strong liquors; and we cannot help thinking, that this austerity has made him greatly exaggerate what he terms "the pernicious habit of drinking drams," which he plainly insinuates that Pope had contracted. The following is the anecdote which he couples with the remark.

"POPE and I, with my Lord ORRERY and Sir HARRY BEMBRIDGE, dined with the late Earl of BURLINGTON. After the first course, POPE grew sick, and went out of the room. When dinner was ended, and the cloth removed, my Lord BURLINGTON said he would go out, and see what was become of POPE. And soon after they returned together. But POPE, who had been casting up his dinner, looked very pale, and complained much. My Lord asked him if he would have some mulled wine or a glass of old sack, which POPE refused. I told my Lord BURLINGTON that he wanted a dram. Upon which the little man expressed some resentment against me, and said he would not taste any spirits, and that he abhorred drams as much as I did. However, I persisted, and assured my Lord BUR-

LINGTON that he could not oblige our friend more at that instant than by ordering a large glass of cherry-brandy to be set before him. This was done, and in less than half an hour, while my Lord was acquainting us with an affair which engaged our attention, POPE had sipped up all the brandy. POPE's frame of body did not promise long life; but he certainly hastened his death by feeding much on high-seasoned dishes, and drinking spirits."—pp. 12, 13.

He also blames Swift for drinking too much wine, although he allows that he did not exceed a pint of claret.

It may easily be imagined that our author's pen is dipped in gall when he speaks of Sir Robert Walpole; yet the only specific charge which he makes against him, is the old one of governing by corruption, and injuring public morality by his undisguised manner of deriding all public virtue. That these things are founded in fact, we apprehend must now be admitted; yet there seems hardly any doubt that this able and most useful statesman only differed from his predecessors, and his immediate successors, in the greater frankness with which he avowed practices common to them all, from the time when the plan of ruling by parliamentary influence was substituted for the older scheme of government by prerogative. He recounts a whimsical instance of the plain and downright manner in which the grossest bribery was practised in those clumsy times. "I am here" (he says, after speaking of Æolus having been bribed by Juno with a nymph, to which present he makes no allusion in his reply), "I am here put in mind of something similar, which happened in Sir Robert Walpole's administration. He wanted to carry a question in the House of Commons, to which he knew there would be great opposition, and which was disliked by some of his own dependents. As he was passing through the Court of Requests, he met a member of the contrary party, whose avarice he imagined would not reject a large bribe. He took him aside, and said, 'Such a question comes on this day; give me your vote, and here is a bank bill of 2000*l.*'—which he put into his hands. The member made him this answer. 'Sir Robert, you have lately served some of my par-

ticular friends; and when my wife was last at court, the King was very gracious to her, which must have happened at your instance. I should therefore think myself very ungrateful (*putting the bank bill into his pocket*) if I were to refuse the favour you are now pleased to ask me.'"—pp. 27, 28.

The rash saying ascribed so currently to Walpole, that every man had his price, is brought home to him upon very satisfactory evidence, in one instance at least, by Dr. King, who had it from William Leveson, Lord Gower's brother. Leveson happened to be standing next Sir Robert in the House of Lords during a warm debate; when the latter observed—"You see with what zeal and vehemence these gentlemen oppose, and yet I know the price of every man in this House except three, and your brother is one of them." Our author adds, that Lord Gower afterwards showed he was quite unworthy of a place in this triumvirate—and gives a very bitter account of his well-known defection, to the consequences of which he unhesitatingly ascribes his death. The bitterness which ever and anon breaks out against the Whigs, makes an amusing part of these anecdotes. He is inveighing, for instance, against avarice, and he gives his examples; but almost all from that party. Thus, Lord Hardwicke, "who is said to be worth 800,000*l*., sets the same value on half a crown now as he did when he was worth only one hundred."—And then he runs on with more great Whig worthies of that age.

"That great captain, the Duke of Marlborough, when he was in the last stage of life, and very infirm, would walk from the public rooms in *Bath* to his lodgings, in a cold dark night, to save sixpence in chair hire. If the Duke, who left at his death more than a million and a half sterling, could have foreseen that all his wealth and honours were to be inherited by a grandson of my Lord *Trevor's*, who had been one of his enemies, would he have been so careful to save sixpence for the sake of his heir? Not for the sake of his heir; but he would always have saved a sixpence. Sir James Lowther, after changing a piece of silver in George's coffee-house, and paying twopence for his dish of coffee, was helped into his chariot (for he was then very lame and infirm), and went home. Some little time after, he returned to the same coffee-house on purpose to acquaint

the woman who kept it that she had given him a bad halfpenny, and demanded another in exchange for it. Sir JAMES had about 40,000*l.* per annum, and was at a loss whom to appoint his heir."—pp. 101–103.

He gives a long dissertation on men mistaking their talents; and his first example is Addison, with whom he is somewhat wroth, upon the old score of the tye-wig. "If he had entered into holy orders (and he had made divinity his chief study), he might have placed himself as high as he pleased on the bench of Bishops." Instead of which he tried to be Secretary of State; and, failing, was obliged to retire upon a Tellership. After an instance of a similar mistake (we presume among the Tories, for it was Lord Marr's brother) in a Lord of Session, who would go into the House of Commons to discourse of *multiplepoinding*, he indulges in the following sally, which has more than the learned author's usual proportion of drollery. The noble person principally mentioned, is of course the Duke of Newcastle.

"It is indeed the peculiar happiness of this country, that all who have any share in the administration of public affairs, are equally fit for all employment. His Grace of N. was first Chamberlain, then Secretary of State, and is now first Commissioner of the Treasury and Chancellor of Cambridge; and all these high employments he hath executed with equal capacity and judgment, without being indebted to age or experience for the least improvement; and if he had been pleased to accept the Archbishopric of Canterbury, when it was lately vacant, he would have proved himself as great an orator in the pulpit as he is in the senate, and as able a divine as he is a politician. As often as I hear this nobleman named, he puts me in mind of a certain Irish baronet, a man of some interest in his country, who, when the Duke of ORMONDE was appointed Lord Lieutenant of *Ireland* in the beginning of Queen ANNE'S reign, desired his Grace to give him a bishopric, or a regiment of horse, or to make him Lord Chief Justice of the King's Bench."—pp. 115–117.

So very clear-sighted were the Tories, when they enjoyed the leisure of retirement, and could calmly, and from the convenient shade, look upon the qualifications of men for the offices which Court favour bestowed, and parliamentary management retained! Are there no personages in the present day, who, without even the slender pretensions to high office which unquestionably

belonged to the head of the Pelhams,—the highest rank, and most profuse expenditure of a princely fortune,—have nevertheless contrived to lead long lives of place, patronage, honours and emoluments — nay, to pass through every one of the most exalted, if not the most powerful stations under each successive administration, with one exception, during the last forty years? We believe there are few readers whose memory cannot at once answer this question.

The extraordinary tenderness towards the national Establishment manifested by the Tories of the present day, is matter of hourly observation. So far, indeed, is this carried, that they will suffer none but themselves to take any care of its interests. They exhibit signs of disquiet, and even uneasiness, if any one else presumes to defend it; and if they perceive that any one entertains that sincere good will to it, which is shown by endeavours to correct its abuses, or to free it from the dangerous contamination of unworthy members, forthwith they sound the alarm—they cry out that the Church is attacked—is in jeopardy;—their maxim in reality being, that there can be nothing like an abuse connected with it, and that its members never can do wrong. We shall be told, that this doctrine never has been held; and we believe that it has never been avowed in terms; but it is the deeply-rooted feeling which actuates those of whom we are speaking: And they would hate much less (though they might more openly express their detestation) the man who should at once attack the fundamentals of the orthodox faith, or even raise a question about the right to tithe, than him who should unadvisedly call for the correction of some practical abuse, the removal of an admitted corruption, or the reformation of some particular in the private life or official conduct of any portion of its dignitaries. Nothing, it seems, must ever be admitted to be wrong, either in the theory or in the practice of any part of the established order of things. All must be taken for perfect in the system; and they who act under it must be deemed partakers of its nature and attributes.

Such at least are the notions of Tories, when in the enjoyment of place and power. But let the sourness of disappointment once seize them, and they complain as openly as any Whig who has spent his whole life in opposition: They throw all the wonted decorum of their opinions aside; and find everything wrong. The following passage respecting the English Bishops, strongly illustrates these remarks. Wo betide the hapless Presbyterian, or Low Churchman, who should have given vent to such murmurs against the right reverend pillars of the Hierarchy. *We* almost shut the book, and fear to transcribe; we tremble even at being the channel through which such things are to be disseminated; but we entreat the reader to recollect, that the words are spoken by an Oxford Dignitary, the Head of a House, a man of principles highly Monarchical, and devoted to the highest Church party.

"Butler, who was predecessor to the present Bishop of Durham, being applied to on some occasion for a charitable subscription, asked his steward what money he had in the house. The steward informed him, 'there was five hundred pounds.' 'Five hundred pounds!' said the Bishop: 'what a shame for a Bishop to have such a sum in his possession!' and ordered it all to be immediately given to the poor. That spirit of charity and benevolence which possessed this excellent man hath not appeared in any other part of the hierarchy since the beginning of the present century. His successor, Dr. Trevor, possessed of a large estate, besides the revenue of his rich bishopric, has a different turn of mind, but in common with many of his own order. To speak freely, I know nothing that has brought so great a reproach on the Church of England as the avarice and ambition of our bishops. Chandler, Bishop of Durham, Willis, Bishop of Winchester, Potter, Archbishop of Canterbury, Gibson and Sherlock, Bishops of London, all died *shamefully rich*, some of them worth more than 100,000*l*. I must add to these my old antagonist Gilbert, predecessor to Drummond, the present Archbishop of York. Some of these prelates were esteemed great divines (and I know they were learned men), but *they could not be called good Christians*. The great wealth which they heaped up, the fruits of their bishoprics, and which they left to enrich their families, was not their own; it was due to God, to the Church, to their poor brethren. The history of the good *Samaritan*, which was so particularly explained by Christ himself to his disciples, ought to be a monitory to all their successors. I knew Burnet, Bishop of Salisbury: he was a furious party-man, and easily imposed on by any lying spirit of his own faction; but he was a better pastor than any man who is

now seated on the bishops' bench. Although he left a large family when he died, three sons and two daughters (if I rightly remember), yet he left them nothing more than their mother's fortune. He always declared, that he should think himself guilty of the greatest crime, if he were to raise fortunes for his children out of the revenue of his bishopric. It was no small misfortune to the cause of Christianity in this kingdom, that when we reformed from popery, our clergy were permitted to marry; from that period their only care (which was natural, and must have been foreseen) was to provide for their wives and children: This the dignitaries, who had ample revenues, could easily effect, with the loss, however, of that respect and veneration which they formerly received on account of their hospitality[1] and numerous charities: But the greatest part of the inferior clergy were incapable of making a provision for sons and daughters, and soon left families of beggars in every part of the kingdom. I do not inquire whether chastity ought to be a requisite in those who are ordained to serve at the altar (it certainly adds a grace and dignity to their function); but I cannot help observing that our Government makes no difference between a bishop's wife and his concubine: The wife has no place or precedence, she does not share in her husband's honours; although the creation of a simple knight, whose honours, like the bishop's, are for life only, gives a rank and title to his wife. Moreover, as an academician, and friend to the republic of letters, I have often wished that the canons which forbid priests to marry were still in force. To the celibacy of the bishops we owe almost all those noble foundations which are established in both our Universities; but since the *Reformation*, we can boast of few of the episcopal order as benefactors to those seats of learning. The munificent donations of LAUD and SHELDON, in the last century, will, indeed, be ever remembered; but let it likewise be remembered, that these two prelates were unmarried. Since the commencement of the present century, I do not recollect one of our Right Reverends who ought to be recorded as an eminent patron of learning, or learned men; but this will not appear very wonderful, if we consider by what spirit they were dignified—*haud equidem Spiritu Sancto.* And yet in the consecration of these *congé d'elire* bishops, they are said to be called to this work by the Holy Ghost; and in their answer to the archbishop, they seem to affirm it of themselves."—pp. 183-188.

We have given one anecdote of Bishop Atterbury; and must add the following repartee of his in the House of Lords, as exceedingly perfect in its kind. He happened to say, upon a certain bill then in discussion, that

[1] "In the epistle which is read at the consecration of our bishops, it is required of them, amongst other injunctions, that they *should be given to hospitality, not given to filthy lucre, not covetous.* They likewise solemnly promise *to assist the indigent, and all strangers who are destitute of help.*"

"'*he had prophesied last winter this bill would be attempted in the present session; and he was sorry to find that he had proved a true prophet.*' My Lord Coningsby, who spoke after the Bishop, and always spoke in a passion, desired the House to remark, '*that one of the Right Reverend had set himself forth as a prophet; but for his part, he did not know what prophet to liken him to, unless to that furious prophet Balaam, who was reproved by his own ass.*' The Bishop, in a reply, with great wit and calmness, exposed this rude attack, concluding thus—'*since the noble Lord hath discovered in our manners such a similitude, I am well content to be compared to the prophet Balaam: but, my Lords, I am at a loss how to make out the other part of the parallel: I am sure that I have been reproved by nobody but his Lordship.*'"—pp. 129, 130.

Dr. King gives some just observations upon the neglect of the study of our own language, in those seminaries of education where all other tongues are so elaborately taught. To this defect he ascribes the undoubted fact, that Englishmen, however learned, express themselves in their mother-tongue with much less ease, elegance, and correctness, than foreigners.

"I have been acquainted," he says, "with three[1] persons only who spoke English with that elegance and propriety, that if all they said had been immediately committed to writing, any judge of the English language would have pronounced it an excellent and very beautiful style. And yet, among the *French* and *Italians*, we meet with few learned men who are not able to express themselves with ease and elegance in their own language; and if the same freedom of speech were allowed in the Parliament of *Paris*, or senate of *Rome*, which may be used in an English House of Commons, their orators would be more numerous and eminent than we can boast of. Observing this defect so universal in the English nation, I have always advised the young gentlemen who were under my care in the University, or with whom I had any connexion or acquaintance (especially those who had parts, and discovered an inclination to improve themselves), to get by heart a page in one of our English classics every morning, in order to speak their own tongue with facility, and acquire a good style in writing."—pp. 174–176.

[1] "Atterbury, the exiled Bishop of Rochester.
"Dr. Gower, Provost of Worcester College.
"Johnson, the author of the English Dictionary,—of the *Rambler*, &c."

We suspect that the Doctor overlooks another circumstance, which has a great share in making foreigners, particularly the French and Italians, more eloquent in common conversation than our countrymen; we mean the freedom from that shyness which distinguishes us, that mixture of timidity and pride about trifling matters, which the French call *mauvaise honte*. We do not put forth our force in conversation; we are ashamed of turning sentences; we dislike attracting the attention of others to our manner of speech, by seeming to make it the object of our own. An Italian is hurried on by his passions, the spring of all eloquence; and he forgets all such personal feelings. A Frenchman has none to encumber him; he always speaks his best, as if every auditor were a critic; and he appeals for our admiration at the close of a sentence, with a look that amply testifies his having secured his own. In this way it is, that one nation is eloquent, and the other rhetorical.——But, to continue our good Doctor's remarks on oratory. He differs from Cicero in the estimate which he forms of the accomplishments necessary to an orator. The Roman held it essential that he should be skilled in all arts and sciences.

"For a century and an half, we have had only two High Chancellors who could be called learned men, though many of them have been reputed excellent orators: and in our days, the man who enjoyed this great office for twenty years, and during that time dictated to the House of Peers, did not learn Latin, as I am well assured, until after he was made Lord Chancellor. Sir ROBERT WALPOLE, who by his oratory raised himself from a small estate to the height of power, and disposed of all employments in the British dominions for many years, had not any great stock of learning. He was indeed not unskilled in the classics; some knowledge of those authors he could not but retain, as he had been formerly a fellow of a College in Cambridge. I knew Sir William Wyndham, who was allowed to be the best and most graceful speaker in the House of Commons for many years before he died, but he was not eminent in any branch of literature. Mr. Pitt, who has acquired such a great reputation for his eloquence, and a greater still for his administration, and the success which has attended it, has not much learning to boast of, unless it be some little acquaintance with the *Latin* classics. I could name several others, in both Houses of Parliament, who are

busy speakers, and harangue on all occasions, who would be greatly puzzled in reading one of *Tully's* orations. The truth is, that not only all philosophical studies, and the abstruser sciences, are of little use to our parliament orators; but, even without a tincture of what we call polite literature, they are many of them able to talk themselves into esteem and good employments. Every age produces men (very[1] few indeed) who seem to be orators born, who, not only without the aid of learning, but without use and exercise, which are so necessary to the formation of an orator, are endowed with a talent of speaking and replying readily and fluently."—pp. 178–181.

Towards the close of his life, it appears that our author fell into bad repute with his own party. The principal cause of this seems to have been his going to Court in 1761, with the Chancellor and other dignitaries of the University, when they went up with an address upon the King's marriage. The fury of the Jacobite faction instantly burst forth against him as an apostate from the cause; and he, in his turn, begins very bitterly to inveigh against its more zealous and steady adherents. He remarks, among other things, the low ebb to which the Jacobite interest was reduced, and ascribes this, not more to the successful administration of the Whigs, than to the weak and violent conduct held by the chiefs of the exiled family's party. He thinks, indeed, that he is himself possessed of information which may at once account for the defection among its votaries, and render that desertion more general. He conceives that "he shall render an acceptable service to many of his countrymen, and satisfy the inquiries of posterity, by publishing an anecdote which he is *now* under no obligation to conceal, and which, as the *affairs of Britain* are at present circumstanced, it would, in his opinion, be criminal to suppress." After observing, by the way, how frequently the "*affairs of Britain*" are found to justify, and indeed to demand, certain sacrifices of party

[1] "Two or three perhaps in a century. Such men may properly be called geniuses. Indeed our *Methodists* and our enthusiasts of all denominations pretend to the gift of speaking; and it must be acknowledged they speak with great fluency and volubility: but it is always a flow of absurdities, blasphemy, and nonsense."

connexion—how repeatedly we see them requiring once zealous partisans to oppose, not to say, betray, their former friends—how apt those same "*affairs of Britain*" are to compel men's acceptance of high and lucrative situations—we may go on with the anecdote. It seems that, in September 1750, the Doctor received a message from Lady Primrose, desiring to see him, and, upon his obeying the summons, was suddenly introduced to the Pretender, who had come over at the instigation of his intemperate and thoughtless friends, to make an attempt, for which, even if the occasion had been at all favourable, no sort of preparation had been undertaken. He remained only five days in London, during which time our worthy author had some long conversations with him. He also corresponded with him constantly for some years, not by letter, but through honourable and distinguished gentlemen, who passed backwards and forwards for the purpose of maintaining this difficult and hazardous intercourse between the exiled Court and their friends in this country. Having, in the course of this connexion, "informed himself of all particulars relating to him, and of his whole conduct both in public and private life," he deems himself as well qualified as any man in England to draw a just character of the Pretender, and to undeceive "many worthy gentlemen attached to his name."

With this we close our account of the Doctor's volume; aware that our review has partaken much of the desultory and gossiping nature of the work itself—which is, on the whole, more trifling than might have been expected. It is but fair, however, towards the author's memory to add, that his defection from the Jacobite party was wholly disinterested—that it consisted rather in despairing of success, in opening his eyes to the real state of their affairs, and in discouraging, by his neutrality, any mad projects of a criminal description, than in supporting their adversaries with activity. The more sober view which he took was justified by the real aspect of matters, and was extremely natural in a

man turned of seventy-four; but the free remarks in which he indulges upon the cause, and its adherents, and especially its chief, can only be accounted for by reflecting on the violent abuse to which a slight and occasional conformity had exposed him;—abuse, which we know often converts partial into thorough-paced renegadoes, and always occasions, either directly or from being dreaded, the proverbial bitterness of apostasy.[1]

[1] In the Latin excursus which is inserted in Dr. King's tract, mention is made of certain persons by the name of *Blacones*, and a note is appended to the following effect:—"Blacones apud Anglos sunt informes delatores gigantum filii: quos naturâ malevolos spes premii induxit in summum scelus: qui quum castos et integerrimos viros accusare soleant omnia confingunt et non modo perjuria sua vendunt, verum etiam alios impellunt ad pejerandum. Nomen sumunt a *Blacow* quodam sacerdote, qui ob nefarias suas delationes donatus est canonicatû Windsoriensi." This singular coincidence was not known when two years after the publication of the anecdotes a clergyman of the name of *Blacow* was prosecuted for preaching a slanderous sermon against the Queen, convicted, and sent to gaol, after defending himself by a harangue more slanderous than his sermon.

# COURIER—CONDITION OF THE FRENCH.

(March, 1829.)

*Collection Complète des Pamphlets Politiques et Opuscules Littéraires de* Paul-Louis Courier, Ancien Canonnier à Cheval. 8vo. Pp. 510. Bruxelles, 1826.

This is, in many respects, one of the most curious and interesting books that we remember to have seen of late years. As the author is little known beyond the literary and political circles of Paris, and as his works, besides their extraordinary merit in point of composition, are full of important information respecting the state of things in France before and since the Revolution, we shall make no apology for giving some account of them to our readers, having been fortunate enough to procure a copy, which we understand the vigilance of the police has frequently rendered very difficult.

Courier was the son of a proprietor in Touraine, that is, a landholder, not noble, and of independent, but moderate fortune. At an early age he devoted himself to the acquirement of classical literature, and made extraordinary proficiency in the Greek language, which through life continued to be his favourite study. He made some progress also in the mathematics; and having entered the artillery, served with distinction, first in the campaign of 1792, and afterwards in those of Italy and Germany. He rose rapidly to the rank of *chef d'escadron* in the horse artillery, but retired after the battle of Wagram in 1809; a measure which, we are told by the editor of this collection, was recommended to him by his love of independence, and to his superiors, by his impatience of subordination and the severity of his humour, unrestrained by any deference for rank.

He was now in his six-and-thirtieth year, and he devoted the remainder of his life to the cultivation of his estate and to literary pursuits. The abuses of the government in his earlier years, more especially the domineering spirit of the nobles, the corruptions of the Romish church, and the impure lives of the higher clergy, seem to have given him an incurable prejudice against the aristocracy and the Catholic priesthood. Thus, though baptized, as is usual, by the name of the estate, de Meré, he never would take it, "de peur qu'on ne le crût gentilhomme." In all his writings he designates himself either "*Vigneron*," or "*Bucheron*," or simply peasant, and takes a pride in representing himself as living the life of his neighbours in that station. He is their adviser in difficulties, their advocate when attacked; and after a strenuous warfare waged against local abuses, petty oppression, and ecclesiastical corruptions, he appears at last to have fallen a sacrifice to his zeal: For, while engaged in exposing these malversations by publications, which he contrived, notwithstanding the vigilance of the police, to put forth from time to time, he was assassinated within a few steps of his own house, to which he was returning from a journey. "Qui fut l'assassin?" (says his biographer) "comme on ne peut former là-dessus que des conjectures, il est juste et prudent de garder le silence."

He appears to have been a man of inflexible honesty, and, in the relations of private life, kindly and amiable. But his humour was eccentric, and his prejudices as strong as many of those which he spent much of his life in combating. The abuses of certain institutions had unfortunately given him a bias against their use; and he often expressed himself in a tone of irreverence upon sacred subjects, less, perhaps, because he was inclined to treat them with disrespect, than because he was sensible of the pernicious ends to which they were often perverted.

It is, however, with his writings that we have here to do; and the merits of these are of a very high order indeed. They abound in plain, strong, masculine sense,

illustrated with classical allusions, naturally and happily introduced, and seasoned with wit more brilliant than is almost anywhere else to be found—for it has the keen edge of Swift's satire, with a style of more pointed epigram, and the easy playfulness of Voltaire, without his pertness and flippancy. His statements and narratives are short, and so clear, as to present a sudden and lively picture; his arguments are models of conciseness and force. He is truly a writer of extraordinary powers, and nothing could have prevented him from attaining a very eminent place among the literary men of his age, but his never having composed a work of any considerable magnitude, upon a subject of permanent importance.

The caustic severity in which he indulges, and indulges too frequently, is, for the most part, called forth by some instance of oppression, some actual case of great abuse in important things; but sometimes also it is excited by his own real or fancied wrongs, and then it sits less gracefully upon him. He seems never to have condescended but once to solicit a favour, and that was when, in compliance with his kinsman Clavier's dying request, he became a candidate for the vacancy occasioned by his death in the Academy of Inscriptions. The election took place during the ascendency of the ultra faction; and the same body which had rejected the father of modern Grecians, the illustrious Coraii, preferred to Courier certain courtiers, "qui" (in the words of the court journal), "à dire vrai, ne savent point de Grec, mais dont les principes sont connus." This refusal, where he felt he had been guilty of a condescension, rankled in his proud spirit, and gave occasion to a very severe attack upon the Academy, in a letter addressed to its members; containing, no doubt, a great deal of truth, but conveyed in terms of the most unsparing sarcasm, and with all the exaggeration incident to compositions professedly satirical. Although, from taking its origin in feelings of a personal nature, this is a far less pleasing composition than those which are inspired by a just indignation at oppression or abuse, and a strong sense of the wrongs of others; yet we shall ex-

tract one or two passages, as illustrating the character we have given of his style. "Ce qui me fâche le plus," says he, speaking of his rejection,

"C'est que je vois s'accomplir cette prédiction que me fit autrefois mon père:—'*Tu ne seras jamais rien.*' Jusqu'à présent, je doutais (comme il y a toujours quelque chose d'obscur dans les oracles), je pensais qu'il pouvait avoir dit,—'*Tu ne feras jamais rien;*' ce qui m'accommodait assez, et me semblait même d'un bon augure pour mon avancement dans le monde; car, en ne faisant rien, je pouvais parvenir à tout, et singulièrement, à être de l'Académie![1] Je m'abusais. Le bon-homme, sans doute, avoit dit, et rarement il se trompa,—'*Tu ne seras jamais rien;*' c'est-à-dire, tu ne seras ni gendarme, ni rat-de-cave, ni espion, ni duc, ni laquais, ni académicien."

"Ce n'est pas là, messieurs, ce que craignait votre fondateur, le ministre Colbert. Il n'attacha point de traitement aux places de votre académie, *de peur*, disent les mémoires du temps, *que les courtisans n'y voulussent mettre leurs valets.* Hélas! ils font bien pis: ils s'y mettent *eux-mêmes*, et après eux, s'y mettent encore leurs protégés, valets sans gages, de sorte que tout le monde bientôt sera de l'Académie, excepté les savants! comme on conte d'un grand d'autrefois, que tous les gens de sa maison avaient des bénéfices, excepté l'aumônier."

"Oh! l'heureuse pensée qu'eut le grand Napoléon, d'enrégimenter les beaux-arts, d'organiser les sciences, comme les droits réunis; *pensée vraiment royale*, disait M. de Fontanes, de changer en appointement ce que promettent les Muses—*un nom et des lauriers!* Par-là tout s'aplanit dans la littérature; par-là, cette carrière, autrefois si pénible, est devenue facile et unie. Un jeune homme, dans les lettres, s'avance, fait son chemin, comme dans les sels ou les tabacs. Avec de la conduite, un caractère doux, une mise décente, il est sûr de parvenir, et d'avoir à son tour des places, des traitemens, des pensions, des logemens, pourvu qu'il n'aille pas faire autrement que tout le monde, se distinguer, étudier. Les jeunes gens quelquefois se passionnent pour l'étude; c'est la perte assurée de quiconque aspire aux emplois de la littérature; c'est le mal à tout avancement. L'étude rend paresseux: on s'enterre dans ses livres; on devient rêveur, distrait, ou oublie ses divers visites, assemblées, repas, cérémonies; mais ce qu'il y a de pis, l'étude rend orgueilleux; celui qui étudie s'imagine bientôt savoir plus qu'un autre, prétend à des succès, méprise ses égaux, manque à ses supérieurs, néglige ses protecteurs, et ne fera jamais rien *dans la partie des lettres.*

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[1] In another of his writings, M. Courier, having occasion to mention some Florentine men of letters, who might have remained unexposed but for a controversy of which he is speaking, archly observes:—"Jamais on ne se serait douté, qu'ils sussent si peu leur métier, et leur ignorance, ne paraissant que dans leurs ouvrages, n'eût été connue de personne."

" Si —— eût étudié, s'il eût appris le Grec, serait-il aujourd'hui professeur de langue Grecque, garde des livres Grecs, académicien de l'Académie Grecque, enfin, *le mieux renté de tous les érudits?* Haase a fait cette sottise. Il s'est rendu savant, et le voilà capable de remplir toutes les places destinées aux savants, mais non pas de les obtenir. Bien plus avisé fut M. R., ce galant défenseur de l'église, ce jeune champion du temps passé! Il pouvait, comme un autre, apprendre, en étudiant; mais il vit que cela ne le menait à rien, et il aima bien mieux se produire que s'instruire, avoir dix emplois de savant, que d'être en état d'en remplir un qu'il n'eût pas eu, s'il se fût mis dans l'esprit de le mériter, comme a fait ce pauvre Haase, homme, à mon jugement, droit mais non habile; qui s'en va pâlir sur les livres, perd son temps et son Grec, ayant devant les yeux ce qui l'eût dû préserver d'une semblable faute. ——, modèle de conduite, littérateur parfait, —— ne sait aucune science, n'entend aucune langue," &c.

We do not give the names of the individuals here described, for it is impossible to say that the attack upon them may not be unjust, when we see the spirit that dictates the greater part of M. Courier's remarks on the Academy.

One of the first and most interesting of the pieces contained in this volume is a petition to the two Chambers, dated 1816, and setting forth, with much simplicity and pathos, the sufferings of the district in which M. Courier lived, under the oppressions exercised by the agents of the Ultra government. It is the true picture of a Political distribution of Justice—of the law, administered by a faction—of party principles presiding over the acts of the judicial as well as executive power.

Luynes was a moderate-sized town, which the revocation of the Edict of Nantz had reduced to a very inconsiderable place, having somewhere about a thousand inhabitants, or about two hundred houses. It is situated in Touraine, by far the most peaceful district of France at all times; perhaps the only corner in all Europe where, during the Revolution and its wars, there never was heard the sound either of revolt or invasion. " Nous avons connû par oui-dire" (says our author) " les désastres de Lyon, les horreurs de la Vendée, et les hécatombes humaines du grand-prêtre de la raison, et les massacres calculés de ce génie qui inventa la grande guerre et la haute police: Mais alors, de tant de fléaux,

nous ne ressentions que le bruit, calmes au milieu des tourments, comme ces Oasis entourés de sables mouvants du désert." So it was in more remote times; and it became a kind of proverb in this district, alike remote from the turbulence of the capital and the perils of the frontier, that the women of Tours had never seen the smoke of a camp. "Or, dans cette province, de tout temps si heureuse, si pacifique, si calme, il n'y a point de canton plus paisible que Luynes. Là, on ne sait ce que c'est que vols, meurtres, violences; et les plus anciens de ce pays, où l'on vit long-temps, n'y avaient jamais vu ni prévôt, ni archers, avant ceux qui vinrent l'an passé pour apprendre à vivre à Fouquet. Là, on ignore jusqu'aux noms de factions et de partis: on cultive ses champs; on ne se mêle d'autre chose. Les haines qu'a semées partout la Révolution n'ont point germé chez nous, où la Révolution n'avait fait ni victimes, ni fortunes nouvelles. Nous pratiquons surtout le précepte divin d'obéir aux puissances; mais, avertis tard des changements, de peur de ne pas crier à propos, Vive le Roi! Vive la Ligue! nous ne crions rien du tout! et cette politique nous avait réussi, jusqu'au jour où Fouquet passa devant le mort sans ôter son chapeau.[1] A présent même, je m'étonne qu'on ait pris le prétexte de cris séditieux pour nous persécuter; tout autre eût été plus plausible; et je trouve qu'on eût aussi bien fait de nous brûler comme entachés de l'hérésie de nos ancêtres, que de nous déporter ou nous emprisonner comme séditieux."

So it was, however, that all at once were heard, in this tranquil quarter, new and unknown sounds—of some being "*good subjects*," and others "*bad subjects*," or rather "*well-disposed*" and "*ill-disposed*," and some were said to have been speaking evil of the government. One man in particular was flung into prison for five or six weeks on such a charge, while another was

[1] This alludes to the person named having passed a funeral, conducted by a priest, without taking off his hat. M. Courier candidly admits that this rudeness was highly blamable; but the authorities, in their wisdom, made it a ground of severe proceedings.

let go free, who had bragged that he was keeping his wine for Bonaparte's return: But the former was an ill-disposed, the latter, a well-disposed person. There were now, as M. Chateaubriand says, "two weights and two measures for the same action; acquittal to one, condemnation to another."—"Etes-vous bien avec tels ou tels?—Bon sujet—on vous laisse vivre! Avez-vous soutenu quelque procès contre un tel, manqué à le saluer, querellé sa servante, ou jeté une pierre à son chien? Vous êtes mauvais sujet, partant séditieux! on vous applique la loi,—et quelquefois on vous l'applique un peu rudement." An example of this is now given; the persons suspected of bad dispositions, were ten of the most peaceable inhabitants of the place, "pères de famille la plupart, vignerons, laboureurs, artisans, de qui nul n'avait à se plaindre, bons voisins, amis officieux, serviables à tous, sans reproche dans leur état, dans leurs mœurs, leur conduite,—mais mauvais sujets!" At midnight, in the month of March, forty gendarmes entered the town, and distributed themselves in every quarter. At the first dawn they made their way into the houses; and, amidst the terror and confusion they had occasioned, many flying out, they knew not whither, nor wherefore, naked in the streets; some were seized, to the number of ten, and the rest hid themselves and escaped. Those who were thus taken were hurried away to prison, and all intercourse with their families strictly prohibited. Their wives and children were thrown into the greatest alarm, and could only learn, that it was upon a charge of being Bonapartists; although M. Courier observed, that of all the parties to this affair, those who had made the arrest, those who were to sit in judgment, and the prisoners, the latter *alone* were free from all connexion with Bonaparte! to whom the others had both sworn allegiance and preferred their suits for favours. Nay, the magistrate who authorized this act of rigour, had, under Bonaparte, a few years before, treated them with equal harshness for refusing to serve that chief. These unfortunate persons were conveyed from Luynes to Tours; the cause was

from thence adjourned, and the prisoners transferred to Orleans, where two of them, in order that the *authorities* might not appear to be in the wrong, were sentenced to banishment, two to imprisonment, and the remaining six discharged, ruined in health and in circumstances, and unable to resume their industrious pursuits. The story of one of them is touchingly related.

"Des dix arrêtés cette fois, il n'y en avait point qui ne laissât une famille à l'abandon. Brulon et sa femme, tous deux dans les cachots six mois entiers; leurs enfans autant de temps sont demeurés orphelins. Pierre Aubert, veuf, avait un garçon et une fille; celle-ci de onze ans, l'autre plus jeune encore, mais dont à cet âge la douceur et l'intelligence intéressaient déjà tout le monde. A cela se joignait alors la pitié qu'inspirait leur malheur; chacun de son mieux les secourut. Rien ne leur eût manqué, si les soins paternes se pouvaient remplacer; mais la petite bientôt tomba dans une mélancolie dont on ne la put distraire. Cette nuit—ces gendarmes, et son père enchaîné, ne s'effaçaient point de sa mémoire. L'impression de terreur qu'elle avait conservée d'un si affreux réveil, ne lui laissa jamais reprendre la gaîté, ni les jeux de son âge; elle n'a fait que languir depuis, et se consumer peu à peu. Refusant toute nourriture, sans cesse elle appellait son père. On crut, en le lui faisant voir, adoucir son chagrin, et peut-être la rappeler à la vie; elle obtint, mais trop tard, l'entrée de la prison. Il l'a vue; il l'a embrassée; il se flatte de l'embrasser encore; il ne sait pas tout son malheur, que frémissent de lui apprendre les gardiens même de ces lieux. Au fond de ces horribles demeures, il vit de l'espérance d'être enfin quelque jour rendu à la lumière, et de retrouver sa fille; depuis quinze jours elle est morte."

"Justice! équité! providence!" (he exclaims, addressing the Chambers,) "vains mots, dont on nous abuse! Quelque part que je tourne les yeux, je ne vois que le crime triomphant, et l'innocence opprimée. Je sais tel, qui, à force de trahisons, de parjures, et des sottises tout ensemble, n'a pu consommer sa ruine; une famille qui laboure le champ de ses pères, est plongée dans les cachots, et disparaît pour toujours. Détournons nos regards de ces tristes exemples, qui feraient renoncer au bien, et douter même la vertu."

But mark the end of all this vigour in support of the government, and against a few peaceable peasants, suspected of having spoken disrespectfully of it. Till now Luynes was the abode of uninterrupted tranquillity, and undisturbed submission to the law. While the accused were carried from dungeon to dungeon, the house of the mayor was set fire to in the night, and he and his family narrowly escaped with their lives. New arrests

were now ordered, and justly; every one was suspected, and probably with good reason; terror reigned throughout, only to be succeeded by vengeance. The secret had been discovered of making the most submissive and peaceable of mankind rebels! It is contained in a single word; but its efficacy is sure, and its operation not lingering—Injustice. "L'injustice les a révoltés. Réduits au désespoir, par ces magistrats même, leurs naturels appuis, opprimés au nom des lois qui doivent les protéger, ils ne connaissent plus de frein, parceque ceux qui les gouvernent n'ont point connu de mesure." —A lesson to all rulers, and applicable to every people.

Besides the writings of M. Courier upon the abuses of the magistracy, there are several very remarkable tracts on those of the priesthood, especially the party of the Jesuits. The fundamental defects of the Romish religion and discipline are exhibited in very striking colours, and illustrated by the most dreadful examples. The evils of auricular confession, and the celibacy of the clergy, are, above all, most clearly and eloquently exposed. But how necessary soever this may be in a country where so many people are still unweaned from their devotion to that false and pernicious system, in this country there wants no argument nor any illustrations to confirm men's opinions, already fixed on this subject, beyond all risk of being moved. The unceasing efforts of the Jesuits and their adherents, which have produced, since the date of M. Courier's principal writings, many of the same good effects in the temporal policy of the French government, which the efforts of the Papists under James II. formerly did in England, were, at the time when he wrote, in the first stage of their progress; and he partook of the alarm with which all rational men then beheld that sect restored to power. They are still active, and therefore formidable, notwithstanding the checks they have of late experienced. But six years ago, their new and unrestrained exertions justified the greatest apprehensions: For the approaching reign of a prince, supposed to be under their influence, was felt in the subserviency of all the baser portion of

the magistracy. What passed in the summer of 1822, in our author's district, on the subject of Sundays and holidays, illustrates these remarks.

The Vicar of Veretz is described as an amiable and pious old man; "homme sensé, instruit, octogénaire quasi, mais ami de la jeunesse, trop raisonnable pour vouloir la reformer sur le patron des âges passés, et la gouverner par des bulles de Boniface ou d'Hildebrand. C'est devant sa porte qu'on danse, et devant lui le plus souvent. Loin de blâmer ces amusemens, qui n'ont rien en eux-mêmes que de fort innocent, il y assiste, et croit bien faire, y ajoutant, par sa présence, et le respect que chacun lui porte, un nouveau degré de décence et d'honnêteté." "Sage pasteur" (exclaims our author), "vraiment pieux! le puissions-nous long-temps conserver pour le soulagement du pauvre, l'édification du prochain, et le repos de cette commune, où sa prudence maintient la paix, le calme, l'union, la concorde!" M. Courier affirms, that in these innocent recreations, pursued according to the custom of the country from all time, there never had, within the memory of man, occurred the least disorder; never, among the young people who met to dance together, had there been known a single act of immorality. Their gaiety was all in public, in the *Place*, surrounded by their parents and neighbours. The experiment of changing such meetings into secret assignations, private tête-à-têtes, he considers to be one full of peril; but the zeal of the neighbouring vicar of Azai was kindled to make this trial; and of him our author gives a sketch very different from the one we have just been surveying, but which appears, from his statement, to be the portrait, not of the individual, but of the tribe. "C'est un jeune homme bouillant de zèle, à peine sorti du *Séminaire*, conscrit de l'Eglise militante, impatient de se distinguer. Dès son installation il attaqua la danse, et semble avoir promis à Dieu de l'abolir dans sa paroisse, usant pour cela de plusieurs moyens, dont le principal et le seul efficace, jusqu'à présent, est l'autorité du préfet. Par le préfet il réussit à nous empêcher de danser; et bientôt

nous fera défendre de chanter et de rire. Bientôt! que dis-je? il y a eu déjà de nos jeunes gens mandés, menacés, réprimandés, pour des chansons, pour avoir ri." The same thing has happened, he adds, in another parish close by, and under another young hero of the Seminary. They have exacted from their female penitents, as a condition for receiving absolution, that they should renounce dancing altogether; but the power of the Prefect was wanting here, and the number of communicants fell off three-fourths; so much more powerful were the habits of these young people than the influence of the priest.

But all the zeal was not upon this occasion monopolized by the Seminary priests. The Mayor of Veretz, transported with pious indignation, knocked down the venerable pastor, above described as allowing his flock their wonted recreations, accompanying the outrage with language the most abusive, and charging him with committing sacrilege each time he said mass. The life of this worthy magistrate is described as very irregular, though his zeal be so ardent; but his politics are of the most approved pattern; he is the possessor of emigrant property, the whole of his fortune, indeed, being a confiscated estate of that description; he therefore makes friends of the counter-revolutionary party, from whom alone he has anything to apprehend. "Son calcul est fin; il raisonne à merveille. Se rangeant avec ceux qui le nomme voleur, il fait rage contre ceux qui le veulent maintenir dans sa propriété—conduite très adroite! Si ces derniers triomphent, la révolution demeure, et tout ce qu'elle a fait; il tient le marquisât, se moque du marquis. Les autres l'emportant, il pense mériter non seulement sa grace, et de n'être pas pendu, mais récompense, emploi, et qui sait? quelque autre terre, confisquée sur les libéraux, lorsqu'ils seront émigrés!" Hence the worshipful man's ardour against dancing, which the rising party of the Jesuits were setting all their arts to pull down; hence his vehement rebuke of the reverend pastor, eighty-two years of age; of whom it is also to be observed, that he was marked out for signalizing his worship's loyalty to the ruling powers, not more by

having taken part with the poor people under his care, than by having held preferment under the Revolution. Accordingly, when he proceeded against the mayor for his unmanly assault (the effects of which had confined him to his bed), he found all the "*authorities*" took part with his adversary. "Tout ce qui pense bien le tient duement battu, et applaudit au maire!" The venerable sufferer is actually condemned to pay the costs of the proceeding, and narrowly escapes being fined also, for having been beaten! The account of the proceeding exhibits so striking a picture of what we have above alluded to as the most unbearable of outrages,—injustice done by political judges—wrong perpetrated by the ministers of justice—that we must expose it to the reader at length; for it is applicable to other magistrates, and other districts as well as that of Veretz.

"Des gens ont conseillé au curé de Veretz, battu par le jeune maire, d'en demander justice, ayant preuves et témoins. Il l'a fait; il s'est plaint. Mais ce curé est un de ceux de la Révolution: il prêta le serment, et même fut grand-vicaire constitutionnel, homme qui s'est assis dans la chaire empestée! Il a contre lui toute sa rolée. Tout ce qui pense bien le tient duement battu, et applaudit au maire. Le procureur du roi, sans doute ignorant cela d'abord, prit fait et cause pour l'église outragée; dans l'ardeur de son zèle voulait couper le poing qui avait frappé l'oint; mais averti depuis, il a changé de langage, trop tard; on ne lui pardonne pas d'avoir agi, et fait agir la justice dans cette affaire, sans prendre le mot des Jésuites. Messieurs les gens du roi, entre la chancellerie et la grande aumônerie, n'ont pas besogne faite, et sont en peine souvent. Le préfet, mieux avisé, instruit d'ailleurs, guidé par le coadjuteur, les moines, les dévotes, et le séminairistes, en appuyant son maire, et criant anathème au prêtre de Baal, a montré qu'il entend la politique du jour. Les juges—comment faire contre un parti régnant? Ils en eurent grande honte, et sortant de l'audience, ne regardaient personne après cette sentence. Ils ont, bien malgré eux, pauvres gens, en dépit de la clameur publique, des preuves, des témoins, condamné le plaignant aux frais et aux dépens. Le parti voulait plus; il voulait une amende, que messieurs de la justice ont bravement refusé: le battu ne paie pas l'amende; c'est quelque chose; c'est beaucoup, au temps où nous vivons. Il ne faut pas exiger plus; et ce courage aux juges pourra ne pas durer."

Such scenes as this appal us in England, unaccustomed to acts of outrageous and manifest injustice—scenes in which the law ceases to speak, through the judge

becoming the organ of the government, or of a faction, and uttering only the base whispers of scurrility, or giving vent to the shouts of party fury. But much violence may be done to justice in a more quiet, and therefore unsuspected, course of misconduct. Judges may have leanings which influence them all their lives through, without ever betraying them into any gross outrage upon judicial decorum. And whatever the bias is that operates to draw them towards one side or the other—whether favour to the court, or the church, or the people—whatever feeling they indulge other than the "constant and perpetual desire of rendering to every one his due," they violate their oath of office, and exhibit a spectacle which, be it ever so veiled by outward observance of decorum, ought at all times to be regarded with the utmost abhorrence by every part of the community, and to call down upon the culprit the most terrible punishment which the public indignation can inflict. It may seem paradoxical to affirm—yet we believe it to be true—that worthy men sometimes allow themselves, when placed in judicial stations, to commit this crime, without being at all aware of its atrocity; and therefore it is that some severe examples seem to be wanting, which may open their eyes, and deter others from being thus beguiled. One thinks that there is too strong a current of popular feeling setting in against the government or against existing institutions; and therefore he fancies he shall discharge his duty better by leaning in their favour. Another imagines (or may imagine, for we suspect this case is yet to occur), that the danger threatens from the opposite quarter, and that the people is in risk of being oppressed; he therefore makes a stand against the supposed oppressors, and casts the balance in favour of popular rights. *This* minister of justice fears that the tide runs dangerously against sacred things, and that the Established Church is in jeopardy; he will therefore, in fairness to that venerable institution, incline against whatever seems calculated to weaken or to invade it. *That*, on the other hand, dreads the encroachments upon the laity which

churchmen are sometimes suspected of attempting, and sets himself to resist these by favouring the defence against ecclesiastical claims. One has most conscientiously a strong opinion against the inroads which the ambition, or intelligence, or wealth, of the middling classes are making upon the influence of the aristocracy, and would protect its privileges as an integral and an essential portion of the constitution. Another feels as honestly for the wrongs which those privileges inflict upon the portion of the community at whose expense they are enjoyed, and inclines towards all that favours an immunity from their pressure. But *all* such inclinations, leanings, dispositions, tendencies, are, when carried to the bench, and suffered to affect the conduct of the judge in whatever part of the cause he is trying, only soft expressions for that which the same men would shrink from were it called by its right name—*Injustice*. They are the views which it is very fit for advocates to put forward, very necessary for lawgivers to entertain, very becoming for the judge to cherish in his private capacity, as the independent citizen of a free country: But if they influence him ever so little on the seat of justice, they betray him into a gross breach of his duty, and a violation of the sacred trust which the law reposes in him. His duty, and his only duty, is to go straight forward, dealing with the facts, and pronouncing upon the law, as if he had neither opinions nor feelings as a man, nor had any concern in the world, except with the particular merits of the individual question actually before him.

In a country circumstanced as ours is, with a most watchful bar and public, before whom everything a judge does or says passes, and by whom it must all at the moment, and for some time afterwards, be unsparingly scrutinized, there is no reason to apprehend such perversions of the judicial office as sometimes disgrace the tribunals of other nations. Our judges are inaccessible to the private solicitations of parties; and no one would ever dream of asking a favour of them, much less of asking it with the offer of a return. In the great

majority, therefore, of the cases that come before them, they are absolutely indifferent, and cannot possibly have a wish that one party should prevail rather than the other. Even in political questions, they are not likely to do any act of gross iniquity for the sake of one side; to determine for the government or for the subject, for the church, or for the people, against the plain merits of the case. They will not invert the law as the judges did who tried Sidney and Russell—they will not murder men by the score like Jeffries—they will not try a cause in which they or their families have an interest of great magnitude, as was supposed to have been done about half a century ago: But they may, under the impression of party, almost unknown to themselves, and not easily perceived by the bulk of mankind, influence the course of a judicial investigation through all its stages, till at last the result is secured, without their interposition, by dint of many little advantages all flung into one party, and many little obstacles thrown the other way. The same judge would shudder if he were told that he had corruptly turned the scale the wrong way, and with a safe conscience would deny the abuse; but he would shrink back with dismay from the catalogue, were it faithfully presented to him, of all the remarks he had flung in—the looks he had given to the jury, the witnesses, the advocates—the things he had suffered one to do, and not another—the stress he laid on some things, the lightness with which he had passed others over—the topics he had introduced savouring of his individual opinions and feelings, unconnected with the merits of the question;—from this sight he would start back, because he could not deny the exactness of the enumeration; and the whole items of the list, being put together, would show that they had decided the fate of the day. It is the duty of a judge, which, if he does not fulfil, he betrays his trust, to ascend the bench day by day, stripped of every passion and every feeling, but the vehement desire to do justice in each particular cause, as if there were none other in existence, and as if he had no care for anything beyond it.

We have seen with what a keen edge M. Courier lays bare the abuses of the government and the magistracy: His dislike of the aristocracy is still more marked, and leads him into much extravagance, and a good deal of unfairness: For, when the manners of the great of these times do not furnish him with sufficient food for bitter sarcasm, he goes back to the days and the court of Louis XIV., and deduces the fortunes and the rank of the existing nobility, from the vices of their predecessors. The violence with which these attacks were urged in a tract written against the base and senseless project of purchasing Chambad by subscription for the infant Duc de Bourdeaux, caused a prosecution, in which he was convicted and sentenced to fine and imprisonment. One of his topics, and which he handles with the most spirit, is the evils likely to arise in his district from the neighbourhood of a court, with all its vices and its follies. The following portrait of a professional courtier is clever, though a caricature.

" Ce sont là, mes amis, quelques inconvénients du voisinage des grands. Y passer est fâcheux; y demeurer est impossible, à qui du moins ne veut être ni valet ni mendiant. Vous seriez bientôt l'un et l'autre. Habitant près d'eux, vous feriez comme tous ceux qui les entourent. Là, tout le monde sert, ou veut servir. L'un présente la serviette, l'autre le vase à boire. Chacun reçoit, ou demande salaire, tend la main, se recommande, supplie. Mendier n'est pas honte à la cour; c'est toute la vie du courtisan. Dès l'enfance appris à cela, voué à cet état par honneur, il s'en acquitte bien autrement que ceux qui mendient par paresse ou nécessité. Il y apporte un soin, un art, une patience, une persévérance, et aussi des avances, une mise de fonds; c'est tout, en tout genre d'industrie. Gueux à la besace, que peut-on faire? Le courtisan mendie en carrosse à six chevaux, et attrape plutôt un million, que l'autre un morceau de pain noir. Actif, infatigable, il ne s'endort jamais; il veille la nuit et le jour, guette le temps de demander, comme vous celui de semer, et mieux. Aucun refus, aucun mauvais succès ne lui fait perdre courage. Si nous mettions dans nos travaux la moitié de cette constance, nos greniers chaque année rompraient. Il n'est affront, dédain, outrage ni mépris qui le puissent rebuter. Econduit, il insiste: repoussé, il tient bon; qu'on le chasse, il revient; qu'on le batte, il se couche à terre. *Frappe, mais écoute—et donne.* Du reste, prêt à tout. On est encore à inventer un service assez vil, une action assez lâche, pour que l'homme de cour, je ne dis pas s'y refuse,—chose inouie, impossible,—mais n'en fasse point gloire et preuve de dévouement. Le dévouement est grand à la personne

d'un maître. C'est à la personne qu'on se dévoue, au corps, au contenu du pourpoint."

"La vertu semble avoir des bornes; cette grande hauteur qu'ont atteinte certaines âmes, paraît en quelque sorte mesurée. Caton et Washington montrent où peut s'élever le plus beau, le plus noble de tous les sentiments, c'est l'amour du pays et de la liberté. Au-dessus on ne voit rien. Mais le dernier degré de bassesse n'est pas connu; et ne me citez point ceux qui proposaient d'acheter des châteaux pour les princes, d'ajouter à leur garde une nouvelle garde; car on ira plus bas; et eux-mêmes demain iront trouver d'autres inventions qui feront oublier celles-là.

"Vous, quand vous aurez vu les riches demander chacun recevoir des aumônes proportionnées à sa fortune, tous les honnêtes gens abhorrer le travail, et ne fuir rien tant que d'être soupçonnés de la moindre relation avec quiconque a jamais pu faire quelque chose en sa vie, vous rougirez de la charrue, vous renierez la terre votre mère, et l'abandonnerez, ou vos fils vous abandonneront, s'en iront, valets de valets, à la cour, et vos filles, pour avoir seulement ouï parler de ce qui s'y passe, n'en vaudront guères mieux au logis."

It must be confessed that our author, with all his abhorrence of courts and princes, has stated very candidly, and with his wonted sagacity, in the following passage, wherein the difference lies between the prince and the courtier.

"Nous voudrions bien avoir le Prince, mais non la Cour. Les princes en général sont bons; et n'était-ce qui les entoure, il y aurait plaisir a demeurer près d'eux; ce seraient les voisins du monde les meilleurs, charitables, humains, sécourables à tous, exempts des vices et des passions que produit l'envie de parvenir, comme ils n'ont point de fortune à faire. J'entends les princes qui sont nés princes; quant aux autres, sans eux, eût-on jamais deviné jusqu'où peut aller l'insolence? Nous en pouvons parler, habitans de Chambad. Mais ces princes enfin, quels qu'ils soient, d'ancienne ou de nouvelle date, par la grâce de Dieu, ou de quelqu'un, affables ou brutaux, nous ne les voyons guères; nous voyons leurs valets, gentilshommes ou vilains, les uns pires que les autres; leurs carrosses qui nous écrasent, et leur gibier qui nous dévore. De tout temps le gibier nous fit la guerre. Une seule fois il fut vaincu, en 1789; nous le mangeames à notre tour."

In these and other unmeasured invectives against the higher ranks of society, or what is generally called the Aristocracy, there are some palpable inadvertences committed by our author, and by all indeed who have of late years adopted the same exaggerated tone, both in France and in England. First, with respect to the comparison so fondly instituted between these classes and the peasantry, it seems to savour more of romance than

of accurate statement. That the middle classes are superior to the highest, in plain good sense, manly sentiment, and virtuous conduct, we may readily admit. Those classes are in truth never to be treated but with the greatest respect, except only when they make themselves at once contemptible and ridiculous by clumsy imitations of their superiors, whose graces and whose follies are at once above their reach, and beneath their notice. But upon the greater purity of the labouring classes, we certainly pause; the peasants of Touraine may be an exception to the rule; and other exceptions may be found elsewhere; but we do not believe that there is to be found more virtue, or so much, among the common people generally, of either England or France, as among the highest ranks in the state, those whom M. Courier stigmatizes as the most profligate. There can, however, be no reason why the peasantry and the artisans should not be as well informed upon ordinary matters, and as well conducted, as those placed above them in society; and that they are rapidly advancing in improvement, each succeeding year's history in both countries abundantly testifies. But as yet they are below the higher ranks, and far below the middle classes, in moral as well as intellectual culture.

But we must object, upon other grounds, to the practice of inveighing against the privileged classes of the community. It is neither fair nor politic. Their situation certainly has a most unfortunate tendency to estrange them from the rest of society, to make them consider their interests as separate from, and opposed to ours. They have, whether we will or no, vast influence in their hands. Their wealth is a real, substantial source of power; and *that* they must possess as long as the present fabric of society remains unchanged by such a convulsion as no one is visionary enough to expect, even if he were unthinking and unprincipled enough to desire it. Their rank, though a less substantial, is yet a certain cause of influence, and will continue to give them weight until the whole habits and feelings of men and of women shall be changed entirely, or rather created

anew. May we, then, humbly be permitted to ask, what good purpose it can serve, either to reject this portion of society in our calculations, as if it did not exist, and therefore required no allowance or consideration ; or to show our sense of its existence only by such vituperation as can tend to no earthly end but making it our habitual antagonist? If we go on with the never-ending cry, that the Aristocracy resists all good measures—thinks only of its separate interest—has no fellow-feeling with the rest of the country—cares for nought but itself, there is some risk of our repeated charges bringing about their own verification ; and the accusation may be much nearer the truth at the last than it was when first launched. How long would the virtue of most women endure, after all the world had saluted them with the appellation not to be borne by womankind? How much longer would their worth survive their reputation, than the hour that temptation and opportunity came together? There are symptoms, we greatly fear, of a similar process working a like downfall, in other than female natures ; and it might be as well for those, who, with very good intentions, have been so active in raising the outcry against our Aristocracy, to reflect, that though we are fully justified in opposing its undue pretensions, and may succeed in confining them within just bounds, yet to destroy it, or reduce it to insignificance, is impracticable, even if it were desirable ; and therefore, to alienate, and exasperate it, is anything rather than wise.

No parts of M. Courier's writings are more remarkable than those in which he bears testimony to the great improvements which France has received since and from the Revolution. This deserves the more attention, as being the evidence of one who is a severe and unsparing censor of all existing things ; who writes under the dominion of the restored family, and bears that dynasty no good will ; whose works, indeed, for the most part, were composed during the ascendency of the ultra faction, and who finds, as we have seen, so much to blame in the whole administration of affairs, ecclesiastical

and civil. With every disposition to find fault, with the most acute sense of the oppressions inflicted by the Government, the Aristocracy, and the Clergy, we yet see him constantly admitting that, compared with the state of things before the Revolution, all is now happiness and perfection. Nor is it by assertions or admissions alone that this is proved; the contrast is most strikingly depicted in many very picturesque descriptions; and some of these we shall lay before our readers.

We begin with a remarkable passage which he cites from La Bruyère,—a sketch of the peasantry of France in "the good old times,"—sometimes termed in this country "the olden time,"—the favourite era of poets and romancers.

"On voit certains animaux farouches, des mâles et des femelles, répandus dans la campagne, noirs, livides, nuds, et tout brûlés du soleil, attachés à la terre, qu'ils fouillent et remuent avec une opiniâtreté invincible. Ils ont comme une voix articulée, et quand ils se lèvent sur leurs pieds, ils montrent une face humaine. En effet, ils sont des hommes! ils se retirent la nuit dans des tanières, où ils vivent du pain noir, d'eau, et de racines. Ils épargnent aux autres hommes la peine de semer, de labourer, et de recueiller pour vivre, et méritent ainsi de ne pas manquer de ce pain qu'ils ont semé."

"Voilà" (pursues our author) "ses propres mots. Il parle des heureux, de ceux qui avaient du pain, du travail, et c'était le petit nombre alors. Si Labruyère pouvait revenir, comme on revenait autrefois, et se trouver à nos assemblées" (he is speaking of the holiday meetings of the peasantry) "il y verrait non seulement des faces humaines, mais des visages de femmes et de filles, plus belles, surtout plus modestes, que celles de sa cour tant vantée, mises de meilleur goût sans contredit, parées avec plus de grâce, de décence; dansant mieux, parlant mieux leur langue (chose particulière au pays), mais d'une voix si joliment, si doucement articulée, qu'il en serait content, je crois. Il les verrait le soir se retirer, non dans des tanières, mais dans leurs maisons proprement bâties et meublées. Cherchant alors ces animaux dont il a fait description, il ne les trouverait nulle part, et sans doute bénirait la cause, quelle qu'elle soit, d'un si grand, si heureux changement."

In another passage, M. Courier describes, in very strong language, the effects produced upon the peasantry by becoming proprietors; the kind of intoxication which the change excites,—and the hard labour to which it gives rise endured with all the zeal of a passion.—"Le peuple est d'hier propriétaire, ivre encore, épris, possédé

de sa propriété; il ne voit que cela, ne rêve d'autre chose, et nouvel affranchi de même, quant à l'industrie, se donne tout au travail." — "Dans le présent, ni dans l'avenir, le paysan n'envisage plus qu'un champ, une maison qu'il a, ou veut avoir, pour laquelle il travaille, amasse, sans prendre repos ni repas. Il n'a d'idée que celle-là, et vouloir l'en distraire, lui parler d'autre chose, c'est perdre son temps." These things are stated by M. Courier to account for the indifference of the peasants to religious matters; but it is a very superficial view of this important subject which he takes, when he argues, that the same people who were religiously disposed in their misery, because they had no other consolation, become careless of such comforts as their circumstances improve. The corruptions of their Church may have revolted them, better informed as they now are; the hard work to which they so passionately devote themselves, may interfere with other duties; but it is not in sorrow alone, and under the weight of oppression, that the human mind naturally turns to the consideration "of things unseen." It is a beautiful and a just remark of Prince Eugene (or rather the Prince de Ligne has put it into his mouth), that happiness always fills a good heart with religious feelings.

The abuses of the priesthood are often severely lashed by this author; and, besides the general topics which he handles against them, he gives some truly horrid examples of the evils resulting from their celibacy, and their functions in confession. Some murders of the most flagrant enormity are related, with a particularity which we dare not follow; and in one case the reader is left at a loss which to admire the most, the effrontery of the detected culprit and his professional brethren, or the supineness of the police in suffering his escape, or the superstitious credulity of the neighbouring Savoyards among whom the monster took refuge, and who regard him still as a saint, though aware that he is a murderer, whose atrocities, committed hard by, are almost without a parallel in any civilized nation. Nevertheless, even as to the clergy, M. Courier is fain to admit, that, generally speaking, there has been a

very great improvement since the Revolution. Thus, while complaining of the young zealots from the Seminary, to whose conduct we have already adverted, he allows that they are "irréprochables dans leurs mœurs et leur conduite"—"Car il ne se peut voir," says he, "rien de plus exemplaire que leur vie;" and he adds, "Le clergé ne vit pas maintenant comme autrefois, mais fait paraître en tout une régularité digne des temps Apostoliques. Heureux effet de la pauvreté! Heureux fruit de la persécution soufferte à cette grande époque où Dieu visita Son Eglise! Ce n'est pas un des moindres biens qu'on doive à la Révolution, de voir non seulement les curés, ordre respectable de tout temps, mais les évêques avoir des mœurs." We shall add another passage, illustrating at once the improved condition of the people, and the good effects produced by the ecclesiastical reforms derived from the same era of 1789.

"Ce qui fait aussi que le peuple croit, c'est qu'en tout on vit mieux à présent qu'autrefois. On est nourri, vêtu, logé bien mieux qu'on ne l'était, et les mœurs s'améliorent avec le vivre physique. Moins de célibataires, moins de vices, moins de débauche. Nous n'avons plus de couvents: détestable sottise qui se pratiquait jadis, de tenir ensemble enfermés, contre tout ordre de nature, des mâles sans femelles, des femelles sans mâles, dans l'oisiveté du cloître, où fermentait une corruption qui, se répandant au dehors, de proche en proche, infectait tout. Dieu sans doute ne permettra pas que ceux qui, chez nous, veulent rétablir de pareils lieux d'impureté, réussissent dans leurs desseins. Nos péchés, quelques grands qu'ils soient, n'ont pas mérité ce châtiment, notre orgueil cette humiliation. Il en faut convenir pourtant; ce serait une chose curieuse à voir parmi ce peuple actif, laborieux, dont chaque jour l'industrie augmente, les travaux se multiplient, et dont par conséquent la morale s'épure, car l'une suit l'autre; ce serait un bizarre contraste, qu'au milieu d'un tel peuple, une société de gens faisant vœu publiquement de fainéantise et de mendicité, si l'on ne veut dire encore et d'impudicité."

"Parmi les causes" (our author continues, sarcastically) "d'accroissement de la population, il ne faut pas compter pour peu le repos de Napoléon, depuis que ce grand homme est là où son rare génie l'a conduit. S'il eût continué de l'exercer, trois millions de jeunes gens seraient morts pour sa gloire, qui ont femme et enfants maintenant; un million serait sous les armes, sans femme, corrompant celles des autres. Il est donc force, en toute façon, que le peuple croisse; aussi fait-il, ayant repos, *biens et chevance*, peu de soldats et point de moines."

All fear seems now at an end of the consummation which M. Courier was apprehending, from the ominous ascendant of the Ultras and the Jesuits, when he wrote this passage. Had he lived to see the more fortunate, because tranquil and moderate, change of system which has lately taken place, he would gladly have acknowledged that there is little reason to dread the restoration of dark and superstitious times, or to regret the mighty warrior whom his old companion in arms loses no occasion of attacking with his keenest satire. The influence of public opinion, the honest and independent sentiments of a great and enlightened nation, have at last acquired their due weight in determining the course of the government; and France is now ruled by a court and a ministry, which evince the sense they entertain, that, as their power depends upon the people, it must be exercised in conformity with the popular voice.

We shall close this article with one more extract: it is of a passage singularly impressive, and containing truths of deep import, maturely to be weighed both by the rulers of French people, and by their neighbours. If the feelings and the capacities which the author describes, are kept within due bounds, and never suffered to seek vent in furthering the ambitious projects of their chiefs, or gratifying their own love of national glory, it is well. But we earnestly hope that the friends of liberal opinions in this great nation will never cease to bestir themselves against war; will be instant in season, and out of season, in subduing all lurking remains of that unhallowed spirit, and leading them to the real glories of peace.

"Ces gens," (says M. Courier, speaking of Napoleon's guards and their famous saying.) "ces gens qui tant de fois ont juré de mourir; ces gens toujours prêts à verser leur sang jusqu'à la dernière goutte pour un maître chéri, une famille auguste, une personne sacrée; ces gens qui meurent et ne se rendent pas, sont de facile composition, et vous les savez bien." (He is addressing the ministers of the Holy Allies.) "Mais il y a chez nous une classe moins élevée, quoique mieux élevée, qui ne meurt pour personne, et qui, sans dévouement, fait tout ce qui se fait, bâtit, cultive, fabrique, autant qu'il est permis; lit, médite, calcule, invente, perfectionne les arts, sait tout ce qu'on sait à présent, et sait aussi se battre, si se battre est une science. Il n'est vilain qui n'en ait fait son apprentissage,

et qui là-dessus n'en remonte aux descendants des Duguesclins. Georges le laboureur, André le vigneron, Pierre, Jacques le bon homme, et Charles qui cultive ses trois cents arpents de terre, le marchand, l'artisan, le juge, l'avocat, et notre digne vicaire, tous ont porté les armes, tous ont fait la guerre. Ah! s'ils n'eussent jamais eu de grand homme à leur tête—Sans la troupe dorée, les comtes, les ducs, les princes, les officiers de marque—si la roture en France n'eût jamais dérogé, ni la valeur dégénéré en gentilhommerie, jamais nos femmes n'eussent entendu battre vos tambours!

"Or ces gens-là et leurs enfants, qui sont grandis depuis Waterloo, ne sont pas chez nous si peu de monde, qu'il n'y en ait bien quelques millions, n'ayant ni manières de Versailles, ni formes de la Malmaison, et qui au premier pas que vous ferez sur leur terres, vous montreront qu'ils se souviennent de leur ancien métier. Car il n'est alliance que tienne; et si vous venez les piller au nom de la très sainte et très indivisible Trinité, eux, au nom de leurs familles, de leurs champs, de leurs troupeaux, vous tireront des coups de fusil! Ne comptant plus pour les défendre, sur le génie de l'Empereur, ni sur l'héroique valeur de son invincible garde, ils prendront le parti de se défendre eux-mêmes; fâcheuse résolution, comme vous savez bien, qui déroute la tactique, empêche de faire la guerre *par raison démonstrative*, et suffit pour déconcerter les plans d'attaque et de défense le plus savamment combinés. Alors, si vous êtes sages, rappelez-vous l'avis que je vais vous donner. Lorsque vous marcherez en Lorraine, en Alsace, n'approchez pas des haies, évitez les fossés, n'allez pas le long des vignes, tenez-vous loin des bois, gardez-vous des buissons, des arbres, des taillis, et méfiez-vous des herbes hautes; ne passez pas trop près des fermes, des hameaux, et faites le tour des villages avec précaution; car les haies, les fossés, les arbres, les buissons, *feront feu sur vous*, de tous côtés, non feu de file ou de peloton, mais feu qu'ajuste, qui tue; et vous ne trouverez pas, quelque part que vous alliez, une hutte, un poulailler qui n'ait garnison contre vous. N'envoyez point de parlementaires, car on les retiendra; point de détachements, car on les détruira; point de commissaires, car—Apportez de quoi vivre; amenez des moutons, des vaches, des cochons, et puis n'oubliez pas de les bien escorter, ainsi que vos fourgons. Pain, viande, fourage, et le reste, ayez provision de tout; car vous ne trouverez rien où vous passerez, si vous passez, et vous coucherez à l'air, quand vous vous coucherez; car nos maisons, si nous ne pouvons vous en écarter, nous savons qu'il faut mieux les refaire que les racheter—cela est plutôt fait, coute moins. Ne vous rebutez pas d'ailleurs, si vous trouviez, dans cette façon de guerroyer, quelques inconvénients. Il y a peu de plaisir à conquérir des gens qui ne valent pas d'être conquis, et nous en savons des nouvelles. Rien ne dégoute de ce métier comme d'avoir affaire aux classes inférieures. Mais ne perdez point courage. Car si vous reculiez, si vous fallait retourner sans avoir fait la paix ni stipulé d'indemnités, alors, alors, peu d'entre vous iraient conter à leurs enfants ce que c'est que la France en tirailleurs,—n'ayant ni héros ni pequins."

# AMERICAN STATESMEN.

(October, 1837.)

*The Life of Thomas Jefferson, third President of the United States; with parts of his Correspondence never before published, and Notices of his Opinions on questions of Civil Government, National Policy, and Constitutional Law.* By George Tucker, Professor of Moral Philosophy in the University of Virginia. 2 vols. 8vo. London, 1837.

After Washington and Franklin, there is no person who fills so eminent a place among the great men of America, as Jefferson. Whether we regard his important services in the revolutionary contest, or his subsequent assertion of the principles upon which the separation was undertaken,—both while he filled a subordinate station in Washington's presidency, thwarted by his colleagues, as well as at variance with his chief, and while he administered himself the government of that free and prosperous country,—no reasonable doubt can be entertained, that to his enlightened views and to the firmness of his character, it is indebted for much of that freedom and prosperity. While his enemies have admitted the integrity of his conduct, and the undeviating consistency with which he acted upon the principles professed by him for upwards of half a century, marked by mightier changes and more perplexing difficulties than perhaps the history of nations ever before recorded, he was, during the last twenty years of his public life, the recognised leader of the party which had effected the first, possibly the most remarkable of those revolutions, and the one that has had the greatest influence upon the fortunes of mankind. As the only charge against him, whilst engaged in state

affairs, related to the vehemence of his republican opinions, and the prejudices connected with them in regard to the foreign policy of his country, so almost the only question that can now be raised concerning his merits, must be upon the extent of the benefits which America owed to him, and the degree in which he possessed those qualities ascribed to him by his admirers. That he was a great man, and a great public benefactor, can only be denied by those whom the prejudices of national or of party animosity on either side of the Atlantic, render blind to the merits of a republican and an American. But even they who judge him the least fairly and calmly, will be ready to admit, that the account of such a man's life, drawn from authentic sources of information, and given with a singular freedom from partiality in its substance, as well as of affectation in its execution, forms a very valuable addition to the stock of our political and historical knowledge; and this praise cannot be withheld from the work of Professor Tucker, which is now before us. A consideration of the subject of it will direct our attention, not only to the remarkable person whose history it records, but to several matters of great interest to other countries as well as the United States.

The book is dedicated appropriately to Jefferson's successor in the Presidency, James Madison, who shared in his opinions, and was his steady and attached friend in private life, as he had been his zealous and conscientious supporter in public. From this able and excellent person the author derived much assistance in the performance of his task; he having both "kindly answered his inquiries and guided his researches." To him application was made on all matters of doubt; much of the information was derived from him; and he revised nearly the whole of the first volume. It is an affecting circumstance, that when the dedication was sent to Mr. Madison, he delayed answering the letter which enclosed it for some months, his health being in a very feeble state, and those about him dreading the effects of any exertion; but at last being

determined to delay giving his sanction no longer, he said, "there was no time to lose;" and on the 27th June 1836, only thirteen hours before he expired, he dictated, and with considerable effort, signed a letter, which the author has very properly printed. In it, this upright and venerable statesman expresses his confidence in the author's "capacity to do justice to a character so interesting to the country and to the world;" and he adds, "It could not escape me, that a feeling of personal friendship has mingled itself greatly with the credit you allow to my public services. I am, at the same time, justified by my consciousness in saying, that an ardent zeal was always felt to make up for deficiencies in them, by a sincere and steadfast co-operation in promoting such a reconstruction of our political system as would provide for the permanent liberty and happiness of the United States; and that of the many good fruits it has produced, which have well rewarded the efforts and anxieties that led to it, no one has been a more rejoicing witness than myself." The author has farther had the assistance of Mr. Jefferson's family, especially his daughter Mrs. Randolph, and of some aged friends who remembered his earlier life. He had the freest access to his papers, from his grandson and executor; and he had himself an acquaintance of twenty-seven years with the subject of his work. During the last fifteen months of his life their intercourse was "frequent and familiar." It must be added, that with a general coincidence of political principles, so far as belonging to the same party, Professor Tucker by no means agrees in all Mr. Jefferson's opinions, and never hesitates to express his dissent where he differs; and his disapprobation of such parts of the President's conduct as appear to deserve censure. The work may not satisfy either extreme of American party: the Federalists are not likely to forgive any one who records the useful and the successful efforts which overthrew their influence, and prevented them from regaining the ascendency that had been propped up by the alarm of the French Revolution; the Democrats may,

with the accustomed and unreasonable intolerance of faction, be more vexed at a few candid admissions, which a regard for truth and justice has drawn forth, than gratified with the clear statement of their policy, and the successful defence of it in the main. But reflecting men will give their confidence to one who has so well earned it by fairness and moderation, and whose labours received the dying sanction of so unsuspected a judge, and so tried a friend of popular rights and national independence as James Madison.

At the period of Mr. Jefferson's birth,—and the same state of things continued down to the time when he entered into public life,—the constitution of society in Virginia was exceedingly aristocratical; although the tone of political feeling was, with respect to the executive government and the mother-country, that of opposition frequently carried to the extremes of party violence. Indeed, these two characteristics of the colonial body had their origin in the same circumstances. The planters living apart, and enjoying revenues which, though ample, were received in kind, and could only be spent by consumption upon the spot, exercised an habitual profuse hospitality; and had no intercourse with any but their guests or their slaves, unless when they were delegated to represent their order in the assembly, when they leagued together against the only superiors whom they could ever see, the governor and the council appointed by him. Such a class of men could not be expected to regard with any great respect the rest of the community; and that feeling of superiority was much increased by the distinction established between the families of the older and free settlers, and those who descended from indentured servants; a class of men whose necessities had caused their emigration, and made them the object of colonial enactments almost as severe as any that the common law of slavery contained against the people of colour. It is a singular and a transcendant praise of the Jeffersons and the Madisons, that, born and bred in a society so constituted, their course was marked by a

uniform regard for the rights and the happiness of the whole people. Their aversion to negro slavery, and their desire, by all safe and practicable means, to eradicate this curse, as well as their own personal kindness towards the unhappy beings dependent upon their care, are well known. But it is, perhaps, a more remarkable feature in their character that they could break through the trammels with which the prejudices of their station tended to hamper them; and could steadily place and keep before their eyes the interests of the most numerous class of society, as the object of all their public care, and even make an attention to the will of that class the governing principle of their policy. It is very possible that some may regard their doctrines upon this subject as carried to an extravagant length, and as exceptionable for want of due qualifications in certain cases; but all must admit that they held these opinions contrary to their individual interests, and at the expense of feelings which must have been deeply rooted in the minds of their order.

Thomas Jefferson was born on the 2d of April 1743, at a place in what is now the county of Albemarle, then on the frontier of the State, but which he lived to see eight hundred miles within the boundaries of the peopled country. His father's family is supposed to have come from Wales; his mother was a Randolph, of a wealthy Virginian family, "which traces its pedigree far back in England and Scotland." To this circumstance, he remarks, characteristically enough, in his own 'Notes,' "let every one ascribe the faith and merit he chooses." After passing some years at an English school, he was placed at a classical one from the age of nine to thirteen, when he lost his father; and he then was for two years under Mr. Maury, a good classical scholar, from whom he obtained that knowledge in the learned languages, and cultivated that taste for their inimitable productions, which remained with him through all his after life. The late much-respected Consul of the United States at Liverpool was the son of this gentleman, and a school companion of Jefferson,

who continued in correspondence with him for nearly threescore years. We believe he is still alive; he certainly was at the time the work before us was written, and contributed some particulars respecting the early habits of his illustrious contemporary.

At the age of seventeen, Jefferson was sent to the College of William and Mary, where he had the good fortune to study the mathematics under Dr. Small, a Scotch Professor, who attained great eminence in that science, and was, if we mistake not, brother of the late Rev. Dr. Small of Dundee, whose demonstrations of Dr. Matthew Stewart's general Theorems, and other works, have acquired for him so considerable a reputation in the scientific world. Jefferson appears to have been a most diligent student in philosophy as well as letters; and to have profited assiduously by the instructions of his able teacher, whose favour he enjoyed in an extraordinary degree. While at Williamsburg College, he corresponded, among others, with a friend of the name of Page; and our author has given several of his letters which have been preserved. They relate chiefly to love-making and the gaieties incident to that age and state of mind, and which might naturally be supposed to occupy the youth of a country where early marriage was habitual. The style of the composition is pure and correct enough; the thoughts, generally speaking, of an ordinary cast; the levity or humour, where they intrude, as they continually do, not remarkable for grace or felicity; but the sense, where he is serious, is exceedingly sound, and the feelings just and right. To those who used to regard, or at least to represent him as a person careless of religion, we submit the following passage, as a proof that, from his earliest years, indifference to such subjects was by no means in his nature, although he never may have been at any time warmed into enthusiasm.

"Perfect happiness, I believe, was never intended by the Deity to be the lot of one of his creatures in this world; but that he has very much put in our power the nearness of our approaches to it, is what I have steadfastly believed.

"The most fortunate of us, in our journey through life, frequently meet with calamities and misfortunes which may greatly afflict us; and, to fortify our minds against the attacks of these calamities and misfortunes, should be one of the principal studies and endeavours of our lives. The only method of doing this is to assume a perfect resignation to the Divine will, to consider that whatever does happen must happen; and that, by our uneasiness, we cannot prevent the blow before it does fall, but we may add to its force after it has fallen. These considerations, and others such as these, may enable us in some measure to surmount the difficulties thrown in our way; to bear up with a tolerable degree of patience under this burden of life; and to proceed with a pious and unshaken resignation, till we arrive at our journey's end, when we may deliver up our trust into the hands of Him who gave it, and receive such reward as to Him shall seem proportioned to our merit. Such, dear Page, will be the language of the man who considers his situation in this life, and such should be the language of every man who would wish to render that situation as easy as the nature of it will admit. Few things will disturb him at all: nothing will disturb him much.

"If this letter was to fall into the hands of some of our gay acquaintance, your correspondent and his solemn notions would probably be the subjects of a great deal of mirth and raillery, but to you, I think, I can venture to send it. It is in effect a continuation of the many conversations we have had on subjects of this kind; and I heartily wish we could now continue these conversations face to face."

Whilst he was yet at College, the dissensions between England and the Colonies began; and when he was called to the Bar, in 1767, things had assumed the form of a settled conflict, which engrossed the attention of all, and ranged everybody on one or other side of the question. Mr. Wythe, a lawyer of eminence, under whom he studied the learning of his intended profession, had warmly devoted himself to the American party; and this naturally increased the ardour with which Jefferson, who took the same side, gave way to the prevailing enthusiasm. Being chosen, in 1767, to represent his native county in the Assembly, his professional pursuits, though not at first interrupted, gradually yielded to the superior interest of his political duties; and though he made such progress at the Bar, and showed such capacity and such knowledge as made his reaching the highest station in the law not a matter of any doubt, yet he gradually withdrew from labours which have, very rarely, been found to bear any rival

occupation, and had ceased to practise after about eight years' active and increasing employment. He is represented as a good business-like speaker, though without the advantage of a clear or strong voice; but it was as a sound and accurate lawyer that he distinguished himself; and when he began to make his professional subordinate to his political pursuits, he was rising gradually, but surely, to the first rank among his brethren.

The first session after his election saw the Governor —that is the mother-country—at issue with the Assembly of Virginia upon the question of taxation; and resolutions having been unanimously passed, the House was dissolved abruptly before the address founded upon them could be presented The members, however, met in a tavern, and signed a non-importation agreement. To this document are affixed the names of Washington, Randolph, Henry, Lee, and Jefferson.

During the same Session, the first proposition which he ever made was brought forward; and, to his immortal honour, its object was the extinction, though gradual, of slavery, by removing those restraints upon emancipation which, in Virginia, as in all other slave colonies, had been from time to time imposed by the local legislatures. The general right of manumission, however, was not given till 1782. If any unreflecting person should undervalue the attempt with which Jefferson's political life so auspiciously commenced, we bid him only recollect that it was made in 1769,—fifteen years before any one ever denounced, as the subject of restrictive enactment, even the traffic in slaves; and nearly forty years before the word Emancipation was ever used, unless as a threat, or with the purpose of lawless violence, rather than of legislative reform.

During the three following years, the colonies confined themselves chiefly to the system of passive resistance by non-intercourse agreements, or associations; but an attempt made early in 1773 to send a person from Rhode Island to England for trial, roused the indignation, and justly excited the apprehensions, of

the other colonies. Virginia now took the foremost part; and a party in the Assembly, impatient of the extreme caution of the rest, united to promote more vigorous measures. Jefferson appears to have taken the lead upon this important occasion, and to have made the suggestion, and embodied it in resolutions, for appointing a Committee of Correspondence to communicate with the legislatures of the other colonies,—requesting them to appoint similar committees. He declined moving the resolutions himself, being desirous to bring forward Carr, his brother-in-law, upon so favourable an occasion for the display of his abilities; and the Assembly adopted the plan without a dissenting voice. This has very justly been reckoned the most important measure ever taken by the colonies, and the origin of all the rest. A controversy has accordingly arisen as to the quarter in which it originated. The question always lay between Virginia and Massachusetts; and Jefferson considered that the latter had, only in 1770, appointed inferior local committees; as other authorities have also stated. It now, however, appears clear from the resolution itself, which our author has inserted, that the Massachusetts Committee was to correspond with the speakers of the other assemblies, or with such Committees of Correspondence as these may appoint; and that the only material difference in the resolutions of Virginia was their directly calling upon those other assemblies to make the appointment. But there is one very material difference between the proceedings of the two colonies: the severe comments made in England upon a former circular which Massachusetts had addressed to the other assemblies, deterred its committee from entering into such a correspondence now; so that Virginia first carried the plan into active operation in 1773.

The Boston Port Bill extended the flames of discord next year over the whole Continent, and united the thirteen colonies in a spirit of joint resistance to a common enemy. The Governor having dissolved the Assembly of Virginia, its members met, and declaring

that the design of "reducing the inhabitants of British America to slavery" could no longer be doubted, recommended to the Correspondence Committee to communicate with the other similar committees upon the expediency of a General Congress. This having been approved of, and the other committees agreeing, the members elected to the Virginian House of Assembly, under the new writs issued by the Governor, met first of all in Convention, for the choice of delegates to the Congress; and Jefferson drew up instructions for those delegates. They were considered as too bold, and the other members being startled by them, they were not adopted as Instructions; but they were printed and circulated as a "Summary View of the Rights of British America." It is a very remarkable paper; and while the effect which it produced both in England and in the colonies was powerful, it greatly increased the reputation and the influence of the author. After denying the right of 160,000 electors in Great Britain to give law to four millions (an exaggerated statement by at least a million) of Americans,—"every individual of whom is equal to every individual of themselves in virtue, in understanding, and in bodily strength," and recounting all the grievances to which the colonies had been subjected, and peremptorily denying the right of the King to "land a single man on the American shores without the same permission from the Colonial legislature which George II. had from Parliament before he could introduce the Hanoverian troops into Great Britain,"—it concludes with a solemn appeal to George III.

"Open your breast, sire, to liberal and expanded thought. Let not the name of George the Third be a blot on the page of history. You are surrounded by British counsellors, but remember they are parties. Let no Act be passed by any one Legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well-poised, empire. It is neither our wish nor our interest to separate. We are willing, on our part, to sacrifice everything which reason can ask to the restoration of that tranquillity for which all must wish. On their part, let them name the terms, but let them be just—accept of every commercial preference it is in

our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed that our properties, within our own territories, shall be taxed or regulated by any power on earth but our own. The God who gave us life gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them."

The Virginian Convention adopted another set of Instructions,—equally firm, but more moderate,—and chose Washington and six others, as their delegates to the Congress; which consisted of fifty-five members, met in Philadelphia, and soon filled the world with admiration of the courage that inspired, and the wisdom that guided their councils. The year after, Jefferson was named as a delegate, provisionally, in case Randolph should be required to attend his duties as Speaker of the Virginian Assembly. Before he proceeded to Philadelphia, the important step had been taken in Virginia of preparing for the defence of the colony by embodying a sufficient force; and an answer had been prepared to the conciliatory propositions, as they were called, of the British Government. This answer was his work. It gave universal satisfaction, and was warmly approved of by Congress. The following is the concluding passage, which may be compared with any State Paper for the dignity and propriety of its sentiments, and, with the exception of one word (reunited), for the purity of its composition:

"For ourselves, we have exhausted every mode of application which our invention could suggest as proper and promising. We have devoutly remonstrated with Parliament; they have added new injuries to the old. We have wearied our King with supplications; he has not deigned to answer us. We have appealed to the native honour and justice of the British nation; their efforts in our favour have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even-handed justice of that Being who doth no wrong, earnestly beseeching him to illuminate the councils, and prosper the endeavours of those to whom America hath confided her hopes; that through their wise direction we may again see reunited the blessings of liberty and property, and the most permanent harmony with Great Britain."

When he took his seat in Congress, the resolution to

take up arms had been adopted, and a committee appointed to prepare a statement of the reasons for so extreme a proceeding. Mr. Jefferson, whose reputation had preceded him, was added to the committee, its first report not having given satisfaction. He then drew up another paper; but it appeared too bold to Mr. Dickenson,—a man of great respectability, both for talents and integrity, but of extreme caution, and, beyond most men, anxious to the last for whatever might prevent a separation from the mother-country. By him the paper was greatly altered, but the conclusion was retained. But it is probable that at this period the chief difference between those who took the more decided part, like Jefferson, and those who were deemed most moderate, like Dickenson, was in the hope which each entertained of being able to arrest what all appear equally to have regarded as a great calamity. Not only did Jefferson, and those with whom he acted, dread and abhor the war through which alone independence could be obtained; but they would have greatly preferred such an issue of the existing contest as should leave them still in connexion with Great Britain, though with the security of their legislative rights. The more moderate party, on the other hand, were equally resolved to hazard the utmost extremities, rather than suffer these rights to be violated; and it is clear that the usual error was committed, in this country, of fancying those to be secret enemies of the American cause who were not even lukewarm friends, but only the more effectual as adherents, and more formidable as adversaries, because they tempered their zeal with discretion. That even Jefferson was averse to the separation, so late as the middle of 1775, appears manifestly from parts of his correspondence cited by our author. "My first wish" (he writes to Randolph, then Attorney-General, and who took part with England), "my first wish is for a restoration of our just rights; my second, for a return of the happy period when, consistently with duty, I may withdraw myself from the public stage, and pass the rest of my

days in domestic ease and tranquillity, banishing every desire of hearing what passes in the world. Perhaps (for the latter adds considerably to the former wish), looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may contribute towards expediting this good work." Randolph was then leaving America for England, in consequence of the side he had taken. Jefferson adds this remarkable declaration:—"I would rather be in dependence upon Great Britain, properly limited, than on any nation upon earth. But I am one of those, too, who, rather than submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean." To the same correspondent he says, towards the end of that year, 1775, after alluding to a separation as becoming inevitable,—"Believe me, there is not in the British Empire a man who more cordially loves a union with Great Britain than I do; but, by the God that made me, I will cease to exist before I yield to a connexion on such terms as the British Parliament propose, and in this, I think, I speak the sentiments of America. We want neither inducement nor power to declare and assert a separation. *It is will alone which is wanting*, and that is growing apace under the fostering hand of our King." The strong expressions in these letters are easily explained, by recollecting that they were written after the affair of Lexington, when the troops were made to butcher their fellow-citizens for the support of the King's despotic prejudices, and at the time that Englishmen were under prosecution for giving that transaction its appropriate name; and even after the battle of Bunker's Hill, he writes to his old master, Dr. Small, then settled in Scotland, in terms which show that the hope of reconciliation had not faded from his mind. On the other hand, that Dickenson and the moderate party were early prepared for extremities rather than submission, is plainly seen from their retaining, in the Declaration on taking arms, the con-

clusion in which Jefferson had plainly stated, that, though averse to separation, they were resolved to maintain their rights at the expense of "a civil war;" and were, "with one mind, resolved to die freemen, rather than live slaves." It was the peculiar felicity of the Americans, and of the great cause of civil liberty, of which they were the champions, that among their leaders were to be found both men of the most ardent spirit, and men of the most approved discretion; whilst all were alike firm of purpose, and alike determined to let no differences, nor any personal feelings whatever, keep them apart in the pursuit of their common object. It would be difficult to point out any serious error committed in the whole of their difficult course; and it would certainly be impossible to find instances of the unreflecting violence, and the sudden changes, either among the people, or their chiefs, which, in other cases, have brought such discredit upon the popular cause, and removed its triumph to so great a distance.

By degrees, however, the bloodshed at Lexington produced the effect of alienating the people; and the imprudent conduct of the Government at home,—a constant alternation of violence and irresolution,—did nothing to counteract it. Neither conciliated by judicious kindness, nor awed by the firm display of power, they now looked to separation as inevitable; and their leaders prepared for it in good earnest. Virginia made the first movement. The Convention met, for the fifth and last time, in May 1776, and instructed its delegates to propose the assertion of independence, and the measures of foreign alliance, and domestic policy, which must be the consequence. Richard Henry Lee accordingly brought the subject before Congress on the 7th of June. The debate continued for three days, when it was adjourned to the 1st of July, in consequence of objections taken by six of the colonies, but rather to the time than to the measure itself. In the meanwhile, to prevent all unnecessary delay, a committee was appointed to prepare a statement of the reasons for the momentous step in contemplation. Jefferson, J. Adams,

Franklin, Sherman, and J. Livingston formed this celebrated body; and were chosen by ballot, having numbers of votes in the order in which we have named them. Lee was absent, from a private misfortune, otherwise, as the mover, he would probably have stood at their head. Jefferson, as the first, was appointed to draw up the paper; and he submitted it privately to Franklin and Adams; who only made two or three verbal alterations. It was referred to Congress on the 28th June, and debated on the 1st July, when nine colonies voted for it; Pennsylvania and South Carolina against it; Delaware was equally divided, and New York did not vote,—its delegates having been instructed to do nothing against conciliation. Next day the arrival of another delegate from Delaware gave that vote in its favour. South Carolina joined for the sake of unanimity. A change in the delegates from Pennsylvania also brought round that colony; and the consent of New York arrived at the same time. Some alterations in the document were then made,—amounting in the whole to the omission of a third part of it, and the alteration of a few lines only in what remained. The omissions were made chiefly with the view of avoiding topics which might give offence to the people of the mother-country, whom it was obviously politic, and perhaps more politic than just, to separate from their rulers in condemning the proceedings of Great Britain; and there was a most important passage left out, reprobating the African slave trade. This omission was in complaisance to South Carolina and Georgia, and is greatly to be lamented, though it cannot be severely blamed. On the 4th of July the instrument was finally adopted, and signed by all the members present, except Dickenson, in whose room, and in that of two others who had withdrawn, Pennsylvania chose new delegates, who afterwards affixed their names, as did several others at different times.

This is that famous *Declaration of Independence* by which the freemen of the New World approved themselves worthy of their ancestors in the Old,—who had

spoken, and written, and fought, and perished for conscience and freedom's sake,—but whose descendants in the Old had not always borne their high lineage in mind. We verily think that this 'Declaration' is the most important event in the history of mankind, whether its consequences be regarded on one side of the Atlantic or on the other; and if tyrants are sometimes said to feel uneasy on the thirtieth of January, how much more fitted to inspire alarm are the recollections associated with the fourth of July, in which nothing like remorse can mingle on the people's part, and no consolation is afforded to their oppressors by the tendency of cruelty and injustice to mar the work they stain!

The frame of the 'Declaration' is well known. The King is singled out and loaded with the responsibility of all the wrongs of his favourite policy. "The history of the King of Great Britain," says the manifesto, "is a history of injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove these, let facts be submitted to a candid world." A concise and powerful enumeration of the charges follows, and from these premises the conclusion is thus drawn:—"A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people." To justify this vehemence of language it must be remarked, that among the preceding charges were those of employing foreign mercenaries, exciting insurrections of the slaves, and hiring the Indians to inflict the atrocities of savage warfare upon his Majesty's subjects. "He is transporting large armies of foreign mercenaries to complete the work of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation. He has excited domestic insurrection amongst us, and endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguishing destruction of all ages, sexes, and conditions." The memorable passage which closes the

Declaration is as follows:—"We therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour."

But we think it will be generally admitted, that there is no part of this celebrated Instrument, as it was finally settled and executed, more pregnant, more appropriate to the great occasion, or more coming "up to the high argument," than the portion of the original version relating to the execrable slave trade. Our author having printed the whole draft as it originally stood when reported by the committee, we are enabled to give this striking passage, well aware that the very slave-holding states, to appease whom it was left out, have long since come round to the same opinions, from experience of the mischiefs, if not from repentance for the crimes of the traffic in human flesh:—"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, capturing and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where *men* should be bought and sold, he has prosti-

tuted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the *liberties* of one people with crimes which he urges them to commit against the *lives* of another."

There are some differences in the accounts given of this memorable transaction; particularly, Mr. Adams's letter to Mr. Pickering is said to vary in several respects from our author's statement; but he justly considers Jefferson's authority as the most to be relied on—because he was more closely engaged in the proceeding—because he took notes at the time of what passed—and because, when his attention was called to the discrepancies, he gave satisfactory explanations of the errors in the other statements. An amusing anecdote is related of Dr. Franklin comforting him during the discussion of his paper in Congress, when the fondness of the author was somewhat outraged by the criticisms of his fellow-members. The apologue into which Franklin threw his topics of consolation is so exceedingly characteristic, that we cannot refrain from giving it:—

"When he was a young man," he said, "a friend of his, who was about to set up in business for himself as a hatter, consulted his acquaintances on the important subject of his sign. The one he had proposed to himself was this: 'John Thomson, hatter, makes and sells hats for ready money,' with the sign of a hat. The first friend whose advice he asked suggested that the word 'hatter' was entirely superfluous; to which he readily agreeing, it was struck out. The next remarked, that it was unnecessary to mention that he required 'ready money' for his hats—few persons wishing credit for an article of no more cost than a hat, or if they did, he might sometimes find it advisable to give it. These words were accordingly struck out, and the sign then stood, 'John Thomson makes and sells hats.' A third friend who was consulted observed, that when a man looked to buy a hat, he did not care who *made* it; on which two more words were stricken out. On showing to another the sign thus abridged to 'John Thomson sells hats,' he exclaimed, 'Why, who the devil will expect you to give them away?' On which cogent criticism

two more words were expunged, and nothing of the original sign was left but 'John Thomson,' with the sign of the hat."

Jefferson was again elected to Congress for the next year; but he declined, partly, from the necessity of at length paying some attention to his private affairs, and, chiefly, because he was anxious to assist in framing the Municipal Code for Virginia, under the new Constitution, which had just been adopted upon the separation. He was appointed joint envoy to France with Franklin and Silas Deane, but the state of his wife's health, whom he had married some years before, and who eventually brought him a considerable accession of fortune, made it impossible for him to leave her, or for her to accompany him. In Virginia, therefore, he settled himself; and soon introduced some of the most important legal and political reforms which could well be conceived. Ever since 1705 the English law against perpetuities had been repealed in Virginia; and entails could not be cut off by fine, or recovery, or by any other means than private bills. Steady to his constant purpose of curtailing the power of the aristocracy, he proposed not merely the repeal of this colonial law, and the restoring to tenants in tail the power of converting their estates into fee-simple, but the converting at once, by a general law, all estates tail into fee-simple estates; and this he succeeded in carrying, by a narrow majority, and after a severe struggle, in which the lawyers, who could not resist the measure generally, endeavoured to confine it, and leave the law as it had stood before the act of 1705. He afterwards obtained the abolition of the law of primogeniture, and the preference of males to females in succession to real estates. The effect of this important change in the law has been, our author says, to introduce a corresponding change in the conduct of proprietors, who hardly ever think of making a much more unequal distribution of their estates than the law would make for them. The consequences are apparent, as might be expected, in the aspect of society. There is no longer a class living in luxurious indulgence and idleness, with unacquired for-

tunes, greatly exceeding the ordinary means of their fellow-citizens. Where considerable wealth is to be seen, it has been gained in trade, or by professional success, or agricultural improvements; and even in these branches of industry, a moderate income being the prevailing lot of the community, men become satisfied with such a competence, and seek not exorbitant wealth. There were probably, says our author, twice or three times as many four-horse carriages before the Revolution as there are at present; but there may now be ten or even twenty times as many two-horse carriages; and while some families had more plate than can now be seen in any house, the whole quantity of plate in the country is increased twenty if not fifty fold. That the more equal distribution of property has had the least influence in obstructing the intellectual improvement of society, is denied of course by our author; though we rather think less peremptorily than he might have done, even as regards accomplishments. In truth, it must have been all the other way. A little less of fastidious refinement, the concomitant of excessive riches, and, it may be added, the worthless concomitant, may possibly be expected to result from such a change; but the sound, manly, useful qualities of the educated mind must necessarily have been more universally diffused. "There never passes a session" (he says) "without calling forth reports and speeches which exhibit a degree of ability and political information that would, forty years ago, have made the author's name reverberate from one end of British America to the other."

The other great object of Jefferson's exertions was the placing all religious sects upon the same footing; in other words, abolishing the preference given by law to one church—what is called, supporting a church establishment. The clergy of the Church of England had, ever since the settlement of Virginia, been maintained, not only by tithe, but by an assessment of the inhabitants of each parish. The number of Dissenters had, however, greatly increased, and were supposed by some

to be the majority of the community, though this is denied by our author. It was only by slow degrees, and after many years had elapsed, that Jefferson at length succeeded in accomplishing the equalisation which he had so strenuously laboured to effect. The last vestige of preference was only obliterated in the year 1799. Into the merits of this much-debated question, as regards a Republican Constitution, we shall not here enter. Our author states very positively, that the abolition of the establishment has had the effect of extinguishing all religious intolerance, and, at the same time, furthering the progress of religious instruction, as far as multiplying the teachers, and increasing their activity and real good. But he judiciously observes, that time alone can show what the effects will be upon the cause of religion generally.

A still longer delay was experienced by Jefferson's Education Bills, which embraced the threefold object of planting elementary schools for the whole people, establishing colleges for the middle classes, and forming a university for the superior branches of learning. All these plans lay dormant till 1796, and then only the first was adopted by the legislature. But it remained twenty years wholly unexecuted, in consequence of the counties which had to defray the expense of the schools having the option of carrying the provisions of the bill into effect. At length another bill was passed in 1816, and under its powers both the elementary schools and university have been established.

The only other measure of law reform to which we shall here advert, was his attempt to obtain the extinction of slavery, that foulest blot upon the American name. A provision was introduced, chiefly by his exertions, into the Digest of the Slave Laws made in 1779, by which all children born after a certain day were to be declared free; and to be carried out of the state, and settled on unoccupied territory, upon attaining a certain age, according to a plan which he had digested. Here, however, as in other instances, he found that he was in advance of the age. "The public

mind," he says many years after, "would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not far distant, when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain, that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white labourers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case."

In 1779 he was chosen governor of the state of Virginia, and held that high and difficult office for two years, when he declined being re-elected. While he filled it, the country was twice the scene of military operations; having been invaded, first, by the forces under Phillips and Arnold, and again, by Lord Cornwallis. The straits to which the Republicans were at different times reduced, and the difficulty of providing the requisite supplies, made his executive duties extremely embarrassing; and in factious times he was unavoidably exposed to censure. An impeachment was even threatened; but after his retirement from office, when he was again elected as a member of the Assembly, he called upon his accusers to come forward, and averred himself ready to meet their charges, which related chiefly to his neglecting the means of defence, and refusing the government at a moment of difficulty. No one, however, appeared to attack him, and the Assembly, in December 1781, unanimously passed a resolution, thanking him for his "important, upright, and attentive administration;" and expressing their intention, "in the strongest manner, to declare their

high opinion of his ability, rectitude, and integrity, as chief magistrate, and to obviate and remove all unmerited censure." This, how satisfactory soever in other respects, was understood to leave undetermined the question of his military measures, respecting which there might exist a diversity of opinion. He never pretended, says our author, to military skill; and his want of it was the avowed motive of declining to be re-elected Governor. As this topic of abuse was not broad and coarse enough for the violence of party in after times, it was, especially while he held the chief magistracy of the United States, transmuted into an imputation of personal cowardice, in order to give it the more currency among the multitude. This, if it meant anything, referred to his having, upon one occasion, left his country-house when he had not a single soldier near him, and when an attempt was made to surprise him by Colonel Tarlton, at the head of his legion. Had he remained and been made prisoner, which was a matter of course in such circumstances, much satisfaction would no doubt have been experienced by the gallant Colonel and the British troops; but how the State of Virginia could have benefited by such an overt act of mental alienation on the part of its Governor, does not so clearly appear. Accordingly, it is notorious, that this imputation never made any part of the charges with which he was threatened at the time; the notice formally given of impeachment, while party ran the highest against him in Virginia, having been perfectly silent upon the subject.

It may be farther observed, that he was chosen, the year after, to represent Virginia in Congress. He repaired to Philadelphia,—took the share in public business to which his weight, in the estimation of the country, entitled him,—and asserted fearlessly and uniformly the principles of a sturdy republican. But the peace being now concluded, and the independence of the United States secured, there was no longer the same general interest felt in the deliberations of that illustrious body, which had, with a rare mixture of

energy and discretion, guided the country through all its difficulties and perils to a triumph without any exception or alloy. There was even a reluctance in representatives to give their attendance, and begin a session; and the debates, when business had commenced, were contentious, prolix, and unsatisfactory; insomuch that Jefferson, who had known Congress in its better days, thus forcibly described its altered state: "I served with General Washington in the legislature of Virginia, before the Revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress," he adds, "errs in too much talking, how can it be otherwise in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?"

Having some time before lost his wife, to whom he is admitted, on all hands, to have been a most affectionate husband, as indeed he was altogether unexceptionable in every relation of private life, he no longer refused the appointment of joint envoy to France; and in 1784 repaired to Paris, where he found his colleague, Dr. Franklin, and was soon after joined by Mr. Adams from the Hague. The negotiation of commercial treaties with different nations was the object of the mission; but after sounding various powers, they found it impossible to succeed with any but Prussia. Mr. Adams went as Minister to London, and Dr. Franklin returned to America; leaving Mr. Jefferson as resident Minister at Paris. He was well aware of the disadvantage under which any person must labour who came into the society of France, and mixed with her politicians, after a man who had been the peculiar favourite of the one and the admiration of the other. When the Minister Vergennes said to him —"Vous remplacez Monsieur Franklin, je crois"—his

answer was excellent; and in a country where such "*successes*" in conversation pass current at so much above their real value, was sure to gain a considerable stock of favour in the circles both of politics and of fashion:—"I succeed Dr. Franklin; no one can replace him." His love of science, and the reputation which he brought with him from his own country, recommended him to the French; he enjoyed great popularity during his residence of six years, and he retained through life the warmest feelings of attachment towards that great people, whose services in the cause of America he never could forget; and whose first struggles for liberty he was destined to witness before he returned home. The two following extracts from letters, written, the one in March, the other on the 11th July 1789—the former to Colonel Humphreys, the latter to T. Paine—show what his impressions then were of the great events in progress:—

"The change in this country since you left it, is such as you can form no idea of. The frivolities of conversation have given way entirely to politics. Men, women, and children talk nothing else: and all, you know, talk a great deal. The press groans with daily productions, which, in point of boldness, make an Englishman stare, who hitherto has thought himself the boldest of men. A complete revolution in this government has, within the space of two years (for it began with the Notables of 1787), been effected merely by the force of public opinion, aided indeed by the want of money, which the dissipations of the Court had brought on. And this revolution has not cost a single life, unless we charge to it a little riot lately in Bretagne, which began about the price of bread, became afterwards political, and ended in the loss of four or five lives. . . .

"You see that there are the materials of a superb edifice, and the hands which have prepared them are perfectly capable of putting them together, and of filling up the work of which these are only the outlines. While there are some men among them of very superior abilities, the mass possess such a degree of good sense as enables them to decide well. I have always been afraid their numbers might lead to confusion. Twelve hundred men in one room are too many. I have still that fear. Another apprehension is, that a majority cannot be induced to adopt the trial by jury; and I consider that as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The latter of these dates was only three days before the taking of the Bastile; and he wrote to Mr. Jay

after that event, correcting the exaggerated accounts which had been circulated of it, and stating the number of the assailants who fell to have been not more than thirty. His apprehensions appear always to have been that the people would be defeated. He considers the Court as likely to recover its ascendant; and even as late as the end of August, dreads the "civil and ecclesiastical aristocracy" regaining ground, more than the popular party being led into greater excesses. The constant appeals made to the example and authority of America afford him matter of great exultation. "Our proceedings," he says, "have been viewed as a model for them on every occasion; and though in the heat of debate men are disposed to contradict every authority urged by their opponents, ours has been treated like that of the Bible, open to explanation, but not to question."

During his stay in France he made an excursion for two months to England; and unfortunately the marked coldness of his reception by the Ministers, his still less friendly reception at Court, and above all, the reluctance of the Government, which could not be overcome, to enter upon the discussion of measures having a tendency to bring about an amicable intercourse between the two nations, confirmed all the prejudices against England which the war had implanted in his mind.

"With this country" (he says in a letter to the American Secretary of State) "nothing is done; and that nothing is intended to be done on their part, admits not the smallest doubt. The nation is against any change of measures; the Ministers are against it; some from principle, others from subserviency: and the King, more than all men, is against it. If we take a retrospect to the beginning of the present reign, we observe, that amidst all the changes of Ministry, no change of measures with respect to America ever took place, excepting only at the moment of the peace, and the Minister of that movement was immediately removed. Judging of the future by the past, I do not expect a change of disposition during the present reign, which bids fair to be a long one, as the King is healthy and temperate. That he is persevering we know. If he ever changes his plan, it will be in consequence of events which, at present, neither himself nor his Ministers place among those which are probable. Even the Opposition dare not open their lips in favour of a

connexion with us, so unpopular would be the topic. It is not that they think our commerce unimportant to them. I find that the merchants have set sufficient value on it. But they are sure of keeping it on their own terms. No better proof can be shown of the security in which the Ministers think themselves on this head, than that they have not thought it worth while to give us a conference on the subject, though, on my arrival, we exhibited to them our commission, observed to them that it would expire on the 12th of next month, and that I had come over on purpose to see if any arrangements could be made before that time. Of two months which then remained, six weeks have elapsed without one scrip of a pen, or one word from a Minister, except a vague proposition at an accidental meeting. We availed ourselves even of that to make another essay, to extort some sort of declaration from the Court; but their silence is invincible."

Upon his return to America he yielded to Washington's desire that he should accept the office of Secretary of State, after refusing for some time, with what has every appearance of a real and hearty dislike, to continue in public life. His wish was to return for a short time to France, where he felt a strong interest in the success of the Republican party, and entertained the expectation, afterwards so grievously disappointed, that the Revolution would be "certainly and happily terminated in less than a year." After witnessing this consummation, he was anxious to retire into the bosom of his family, and there, on his farm, and amongst his books, to pass the rest of his days.

The Cabinet of Washington was now equally divided into two parties; Jefferson and Randolph the Attorney-General, on the one side; and Hamilton, Secretary of the Treasury, with Knox, Secretary-at-War, on the other. The main and avowed point of difference, and from which their names of *Federalist* and *Anti-Federalist* were derived, regarded the degree in which the Central Authority should be strengthened, so as to hold the Union together, and to exercise the powers of Government over the individual States. But those who most dreaded separation had always been the persons least friendly to democratic principles, and most attached to England; while their adversaries were deeply impressed with the sense of popular rights,

—saw no danger in the amplest powers that could be exercised by the whole body of the people while the Government was representative,—and were peculiarly jealous of English influence. This party, then, were often called the Democratic as well as the Anti-Federalist; and it certainly is a mere descriptive appellation; for no man of any mark was friendly to a separation,—the only question being what sacrifices of local independence should be made to consolidate the Union. The leaning of the Federalists, on the other hand, towards a Monarchy and Aristocracy, has probably at all times been a good deal exaggerated by their antagonists. That there is at the present time hardly any such feeling may be easily admitted; and it has probably been wearing out by degrees ever since the Revolution; in proportion as men saw that realized without a struggle which many in America, and still more in England, had deemed impossible,—the firm establishment of a Republican Government over many millions of people, with sufficient power to preserve order at home, and sufficient energy to maintain the relations of peace and war. But, at the first, no reasonable doubt can be entertained of the fondness for monarchical institutions which prevailed among the leading Federalists. The difficulty with which the scheme of the *Cincinnati*,—an order of merit and of military merit,—was first modified and then abandoned, is well known. Hamilton, to whose virtues and capacity all parties bear willing testimony, never disguised his inclinations on this head: and Adams, though he fell far short of Hamilton in his predilection for the British Constitution, yet thought that a reform of its abuses would make it perfect. There is an account preserved by Jefferson of a discussion upon this subject, which is understood to represent accurately the opinions of these two eminent men. "Purge the British Constitution," said Adams, "of its corruption, and give to its popular branch equality of representation, and it would be the most perfect Constitution ever devised by the wit of man." Hamilton paused upon this, and then

said, "Purge it of its corruption, and it would become an impracticable Government: as it stands at present with all its supposed defects, it is the most perfect Government that ever existed."

The denial of such being Hamilton's sentiments, which has sometimes, for party purposes, been attempted, is quite preposterous, when he himself never disguised his opinions. Nay, Gouverneur Morris, a party as well as a personal friend of his, has stated, in an elaborate account of his character, "that he hated Republican government, because he confounded it with democratic government, which he detested, as sure to end in despotism, and as in the meantime destructive of morality." And again, "that though history had taught him that monarchy could only be established by the mob, yet he never failed on every occasion, to advocate the excellence of, and avow his attachment to monarchical government." Mr. Jefferson has, however, candidly taken pains to record Hamilton's decided reprobation of those who would endeavour to disturb the experiment which he considered was making in America, of a Republican government. He said that he was "for giving it a fair course, whatever his expectations might be." He fairly admitted that as its success had surpassed those expectations, so its failure seemed less likely than it had been. He added, that if the Constitution should fail in its present form, there were others which might be tried, and which ought to be tried before the "Republican form was abandoned;" for "that mind," said he, "must be really depraved which would not prefer the equality of political rights, the foundation of pure Republicanism, if it were to be obtained consistently with order." It is therefore manifest, *first*, that the Federal party never were seriously disposed to make any efforts for the restoration of monarchical government, although they had less expectation of being able to go on without it than their adversaries, and were friendly to the introduction of measures which were avowedly intended to impair the purity of the Republican scheme, and were expected by

the other party to pave the way for a change not in the contemplation of their supporters; *secondly*, that had Hamilton, and those who agreed with him, lived to our times, the success of the experiment would long since have dispelled all their apprehensions, and prevented them from once thinking of a departure from the pure Republican model.

As for Washington, although his habitual moderation gave some colour for the pretence of the Federalists that he belonged to their party, there is not a doubt that this illustrious man kept himself absolutely free from any such bias. Nothing can be more distinct than the testimony which Jefferson's correspondence bears to this fact. Even in the heat of controversy, while the Anti-Federal Secretary was often opposing measures patronised by the President, and often complaining of his slowness to support what he and his party deemed necessary for the maintenance of the national independence, he always separates Washington from his adversaries, and allows that he belonged not to either party, but held the balance even between both.

The picture which is presented by this impartiality in the various struggles between the two sides of his equally-divided cabinet, is truly striking; and must command the unbounded admiration of all who contemplate the character of the man, of all mankind most renowned for the perfection of sound judgment, and the unsullied purity of public life. To those who have been in the habit of flattering themselves that this illustrious person was not a Republican at heart, we recommend the consideration of his speech when endeavouring to keep Jefferson from resigning. He said, "he did not believe there were ten men in the United States for a monarchy."

The war which distracted Europe, in less than three years after Jefferson took his seat in the cabinet, furnished, as might be expected, grounds for dividing still more the parties already sufficiently hostile, on American questions. The Federalists, of course, took the alarm at the outrages which marked the progress of

democracy in France; and their first impression was against receiving a French Minister at all, though they ended by adopting the line of strict neutrality, but maintained that he should only be received with qualifications, and were thoughtless enough even to contend strenuously that the revolution had made all treaties with France void. Washington, after calling upon all his cabinet to state their opinions in writing, and calmly weighing their vehement and elaborate reasonings, decided in Jefferson's favour, who had, in those remarkable words, expressed himself to his correspondent, James Munroe, before the determination was taken:—"If anything prevents it being a mere English neutrality, it will be that the *penchant* of the President is not that way, and, above all, the ardent spirit of our constituents." There was, indeed, hardly any difference of opinion among the people out-of-doors. They sided with France almost universally; and were extremely discontented with the proclamation of neutrality issued by the Government. On this occasion, Jefferson, with all his partiality for France, and all his disposition to consult the feelings of the people, steadily opposed the current which was setting in so strongly; and incurred the additional odium reserved for those whom the people, having long favoured and followed, expect to be the last that will thwart their inclinations; without reflecting that the opposition proceeds from the same sense of duty which had dictated the more popular conduct. In the meanwhile, the French Government appointed a Minister (Cit. Genet), whose indecent violence so far outstripped the fondness for his country, great as it was, which pervaded the American people, that Jefferson, upon whom fell the task of carrying on this controversy, by degrees regained the good-will of his countrymen—a Minister whom he truly describes as "hot-headed, all imagination, no judgment; passionate, disrespectful, and even indecent, towards the President, in his written as well as verbal communications."

Although Jefferson certainly had no right to complain of Washington, whose impartiality he so dis-

tinctly admits,—who, on some of the most important questions, took his part, and on one occasion decided for him when he stood alone among his colleagues,—yet he found his situation so irksome, and the prospect of being able to serve his country effectually, according to his own principles, so slender, that he resolved upon retiring from public life. The President entreated him, with great earnestness, and much personal kindness, to change this resolution, and intimated his own determination to refuse a second election to the chief magistracy. Jefferson used his utmost endeavours to prevent this, which he justly regarded as a great public misfortune, and postponed his own resignation. At length, Washington having consented to resume his office, he retired at the end of 1793, and remained in private life, until he was proposed, against his inclination, as the successor of that great man in 1797, when the Federalists set up Adams, who carried the election by a majority of three votes—leaving Jefferson, however, considerably above Pickering, whom they had intended to bring in as Vice-President. The consequence was, that Jefferson was Vice-President—a position which, while the contest was proceeding, he had declared to several friends, but more particularly to Madison, confidentially, that he should very greatly prefer to the first place; adding, that in the event of an equality of votes, he authorized a declaration of his unwillingness to supersede Adams, who "was his senior both in years and public services."

His conduct in the Vice-Presidency was marked by the same steadfast adherence to Republican principles which had distinguished him through life. By degrees, however, he became sensible of the errors into which party violence had led himself and others; and the conduct of Bonaparte soon withdrew from him whatever confidence his talents and his successes had, in the first instance, begotten. "I fear" (said he, in a letter written as early as February 1800) "our friends on the other side of the water, labouring in the same cause, have yet a great deal of crime and misery to wade

through. My confidence had been placed in the head, not in the heart of Bonaparte. I hoped he would calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the Republic from the civil to the military arm. Some will use this as a lesson against the practicability of Republican government. I read it as a lesson against the danger of standing armies."

The support which had been given to Jefferson, on Washington's retirement, in the circumstances so favourable to his antagonists, of the alarm and disgust excited by the excesses of the Republican party in France, was a sure proof, that when those feelings should subside, his countrymen must call him to the head of affairs. Accordingly, instead of re-electing Adams, they returned him and Burr, both of the Republican party, by an equal number of votes; and it is worthy of remark, that whilst the proceedings were pending which this equality rendered necessary, various attempts were made to obtain from him a pledge, or some intimation of the course he meant to pursue, if he were elected, both as to measures and as to appointments; but to all such applications he returned one answer—that "he was resolved to go into office untrammelled, or not at all."

When Jefferson took upon him the government of a people whom he justly described as "spread over a wide and fruitful land; traversing all the seas with the rich produce of their industry; engaged in commerce with nations who felt power, and forgot right;" he also had serious difficulties to contend with from the violence of the parties which divided them. In his inaugural address to the Legislature he used those remarkable expressions in which his subsequent policy may be said to have been announced; but though they well satisfied the reflecting portion of the community, they created no little discontent among the zealots of his own party,—a class of men whom nothing can ever appease on such occasions but the entire crushing of their adversaries,

and who always forget, that when these are numerous, it would be as easy to exterminate them as to destroy their power:—"We have called by different names brethren of the same principles. We are all Republicans—all Federalists. If there be any among us who would wish to dissolve this Union, or to change its Republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated when reason is left free to combat it." Although he did not gratify the more violent and rapacious of his party, by instantly removing from all the offices in the State every person of opposite sentiments, he yet, with his accustomed firm resolution, proceeded to annul all the appointments which had, with an indecorous precipitancy, been made after his election; and during the three or four months that his predecessor continued in office, all those were also removed who had in any way misconducted themselves, as well as the attorneys and other officers of the Federal courts, whose removal was considered a matter of course. But that he was determined steadily to pursue the line of conduct which he had never departed from in any situation, was soon perceived by unerring indications. His hearty welcome to Dr. Priestley, the respected object of persecution from political and religious bigotry, gave general satisfaction. His Letter to Thomas Paine was not so much approved; and although it certainly proceeded from his sense of the gratitude due to the eminent services formerly rendered, Paine's recent publications on religious subjects, and his attacks upon Washington, made it highly imprudent for one in Jefferson's situation to give the offence which must eventually accrue from such a step. The courtesy which he showed that celebrated writer was only allowing him a passage in a sloop of war; but his letter concluded with these expressions:—"I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily laboured, and with as much effect as any man living. That you may long live to continue

your useful labours, and to reap their reward in the thankfulness of nations, is my sincere prayer. Accept assurances of my high esteem and affectionate attachment." Although Paine's services to the cause of American independence were invaluable, and were acknowledged by all parties, yet it was the unavoidable consequence of his having subsequently engaged in attacks, full of ribaldry, upon the religion of the country, that they who would have been most tolerant towards any mere difference of opinion, and even patiently borne with any calm and argumentative discussion inoffensively conducted, though leading to a denial of truths deemed the most sacred, should so far forget the writer's former merits as to deem the honours paid him an outrage upon the feelings of the people. But while the President's Letter to Paine is condemned, justice requires that we draw from it an inference in favour of his motives, in refusing to dismiss those Federalists from their places who had been appointed before his election. No man who observes how fearlessly he could expose himself to the indignation of his adversaries, and brave the censures of his own friends, upon a subject so sure to unite them against him, can ascribe his retaining the persons whom he found employed either to a fear of the Federal party, or a wish to gain it over. That act (of retaining his adversaries in office) we can have no hesitation in ascribing to his strong sense of public duty, and the rigour of his Republican principles. He held it to be a breach of trust towards the country to deprive it of the skill and experience of men who had served it long and faithfully; and he deemed it inconsistent with the liberty which all men should equally enjoy, to remove any one from the public service merely because he held a different opinion from part of his fellow-citizens. Accordingly, he pursued his course steadily, unawed by the clamour on either side,—retaining those whose conduct had been unexceptionable, and displacing those who had given just cause of offence, or been appointed in improper circumstances: and making no farther changes than such

as were necessary for securing a vigorous and united government. "I am satisfied" (he says) "that the heaping abuse on me personally has been with the design and the hope of provoking me to make a general sweep of all Federalists out of office. But as I have carried no passion into this disagreeable duty, I shall suffer none to be excited. The clamour which has been raised will not provoke me to remove one more, or deter me from removing one less, than if not a word had been said on the subject." We recommend this as a maxim and a motto for all governments placed in circumstances of difficulty; and its application to measures is fully as obvious as its application to men—and far more important. No one is fit to rule, and indeed no one can be said to rule, who can act upon any other principle.

Our limits do not permit us to follow Jefferson through the brilliant career of his Presidency, which conferred upon the United States the benefit of many most important improvements in domestic policy;—the vast extension of territory by the peaceful acquisition of Louisiana; and the enjoyment of peace with the complete maintenance of the national honour, at a season when it seemed hardly within the power of the most conciliating and circumspect conduct, joined to the greatest watchfulness and most determined resolution, to secure that blessing, amidst the fierce contests which distracted and ravaged the rest of the world. Professor Tucker observes, that after the calumnies of those whose power it overthrew had been forgotten, Jefferson's administration is admitted by all impartial men to be the one in which the country was the most prosperous, and the government throughout was administered the most constantly according to the Republican principles of the Constitution; and we shall close our remarks upon it by quoting the luminous statement of its merits, given in the address of the Virginian Legislature, upon the retirement of their illustrious fellow-citizen.

"We have to thank you for the model of an Administration conducted on the purest principles of republicanism; for pomp and

state laid aside; patronage discarded; internal taxes abolished; a host of superfluous officers disbanded; the monarchic maxim, that 'a national debt is a national blessing,' renounced, and more than thirty-three millions of our debt discharged; the native right to near one hundred millions of acres of our national domain extinguished: and without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the West to the Pacific Ocean, and in the intrinsic value of the land itself, a source of permanent and almost inexhaustible revenue. These are points in your administration which the historian will not fail to seize, to expand, and to teach posterity to dwell upon with delight. Nor will he forget our peace with the civilized world, preserved through a season of uncommon difficulty and trial; the good will cultivated with the unfortunate aborigines of our country, and the civilization humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical encroachments, and awing them into justice; and that theme, which, above all others, the historic genius will hang upon with rapture, the liberty of speech and the press preserved inviolate, without which genius and science are given to man in vain."

He retired to Virginia in 1809, and lived in the bosom of his family, by whom he was tenderly loved; in the affections of his countrymen, by whom he was ever looked up to as the great chief of the national party; in the cultivation of literary and scientific pursuits, for which his predilection was always strong; and in the constant endeavour, oftentimes successful, to serve the people for whom his care only ended with his days. He gradually declined in health in the spring of 1826; and in June he was evidently approaching his latter end. During that month he grew worse; but he conversed freely and calmly on his approaching dissolution; and continued to evince his anxiety for the University of Virginia, which he had founded, and to which he had for many years devoted the greater part of his time. On the 3rd of July he appeared exhausted, and lay in a stupor, occasionally speaking a few words. In the course of the night he asked what o'clock it was; and on being told it was one, he expressed his satisfaction at living to see the day, in his mind the most memorable of the calendar. He expired in the eighty-fourth year of his age, on the fiftieth anniversary of that

glorious event which we have been contemplating, and with which his name was inseparably connected,—the *Declaration of Independence*. On the same day, by a singular coincidence, Adams, the only other survivor of those who had prepared that famous instrument, also finished his course, in the northern part of the United States. Let it be added, that he who had been for eight years chief magistrate of America, died and left barely enough to pay his debts.

We cannot more fitly, or to the reader, more satisfactorily, close this article, than by extracting from the volumes before us Jefferson's sketch of the characters of his great predecessor, and of his friend and successor. He thus has described Washington, and the account is full of interest:

"His mind was great and powerful, without being of the very first order; his penetration strong, though not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected whatever was best; and certainly no general ever planned his battles more judiciously. But if deranged during the course of the action, if any member of his plan was dislocated by sudden circumstances, he was slow in a readjustment. The consequence was, that he often failed in the field, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining if he saw a doubt, but when once decided, going through with his purpose, whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known; no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man. His temper was naturally irritable and high-toned; but reflection and resolution had obtained a firm and habitual ascendency over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honourable, but exact; liberal in contributions to whatever promised utility; but frowning and unyielding on all visionary projects, and all unworthy calls on his charity. His heart was not warm in its affections; but he exactly calculated every man's value, and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish; his deportment easy,

erect, and noble, the best horseman of his age, and the most graceful figure that could be seen on horseback. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation, his colloquial talents were not above mediocrity, possessing neither copiousness of ideas, nor fluency of words. In public, when called on for a sudden opinion, he was unready, short, and embarrassed. Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, for his education was merely reading, writing, and common arithmetic, to which he added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and, with journalizing his agricultural proceedings, occupied most of his leisure hours within doors. On the whole, his character was, in its mass, perfect, in nothing bad, in a few points indifferent; and it may truly be said, that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war, for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example."

Of Madison he thus speaks—

"Mr. Madison came into the House in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate, before his removal to the Council of State, in November 1777. From thence he went to Congress, then consisting of few members. Trained in those successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discriminating mind, of his extensive information, and rendered him first of every assembly afterwards of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely in language pure, classical, and copious; soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787; and in that of Virginia, which followed, he sustained the new Constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers were united a pure and spotless virtue, which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing—they have spoken, and will for ever speak for themselves."

In closing our view of these great men, and the great events in which they bore a share, we may perhaps be expected to say something of the Republican Government which they established, and under which America has so eminently prospered. But the subject is too extensive for incidental discussion ; and we shall have a fitter opportunity for handling it when M. de Tocqueville shall have completed his valuable work on America.

We have said nothing of the style of Professor Tucker's work. It is, generally speaking, plain, unaffected, and sufficiently pure, with the exception of one or two Gallicisms, a very few Americanisms, and here and there a word from that modern dialect which is of no country, and ought to be of no age, and which is making such a progress amongst us as threatens to overlay, if it does not extirpate, our good old mother-tongue.

# CONGRESS OF VERONA.

(July, 1838.)

*Congrès de Vérone, Guerre d'Espagne, Négociations, Colonies Espagnoles.* Par M. De Chateaubriand. 2 tomes, 8vo. Paris, 1838.

The literary and political world had for some time been occupied with rumours of an extensive work by M. Chateaubriand, upon his own life and times, when these volumes were announced, having a very limited subject; and we now find, from the statement in the preface, that they form no part of the Memoirs. These, says our author, contain only what may be said during his lifetime; the rest must be reserved till after his decease—or, to use his own words, "à la tombe reste." He adds, that he now speaks of his political life, for the first and last time. We doubt this; not that we at all disbelieve him, but that we suspect he will, like most authors, find reason to change his mind; especially when he sees ground for suspecting that, very possibly, the interest taken in him after his demise may be so much diminished as to render the publication of a large work upon his personal history a speculation of doubtful prudence.

M. Chateaubriand, however, must be allowed to hold a very considerable rank, both among the literary and the political men of his time. His eloquence is of a fervid and striking cast; often very successful; frequently inflated, indeed, and somewhat apt to become dull and whining; but displaying much power over the language of his country, and showing no little resources of fancy. As a politician, how widely soever we may differ with him, it is impossible to deny that he has been consistent, and to all appearance honest. His last act confirms all former

impressions upon this cardinal point; for he, and a few others, unable conscientiously to approve of the revolution in 1830, yet unwilling to maintain a vexatious struggle against the new government, have quitted the scene of public affairs, and, resigning all objects of ambition, or even of parliamentary display, have buried themselves in the shade of a premature retirement.

There has never been wanting, too, in this gentleman, the courage to avow his principles, how unpopular soever; and the present work affords a sufficiently remarkable instance of this disposition. Few parts of the policy pursued by the government of the Restoration, have been more in conflict with the universal opinion of the public, both in France and in Europe generally than the Spanish war of 1823; undertaken avowedly to destroy the free constitution which the Spaniards had given themselves, and to replace Ferdinand upon an absolute throne. Among the people of every country, this crusade was regarded with abhorrence; it was only among despotic princes and their ministers that it found defenders. The vile and hateful character of the Spaniards had not been sufficiently unfolded to destroy the interest taken in their fortunes; the bloodthirsty disposition, the disgusting cruelties and treachery of vulgar tyrants had not given a kind of comparative advantage to the more limited wickedness of individual despotism; and even if these recent times have, since the period of the war against the Cortes, made men care little whether the Castilian soil is drenched in blood by the one party or the other, the feeling is still very prevalent, that no foreign power has a right to interfere with the people, and dictate to them by force of arms what conduct they shall pursue in the administration of their own affairs. The approvers of the Holy Allies, and their abominable war, still remain few in number; and even the party most willing to defend them in France, in England, and elsewhere, venture to say very little in favour of the doctrine of intervention. Yet it is as the champion of those combined despots, the advocate of their very worst principles, the defender of their most odious acts, that M. Chateaubriand now stands forward. Nay,

he avows himself the author of the Spanish war; and not merely as having drawn France into executing the decrees of the Allies, but as having sanctioned those Allies themselves to undertake the crusade. He is more than their advocate; he does far more than defend them. He plants himself in their places;—posting himself in the eyes of the world on the "bad eminence" of having been the author of the deed which all men condemn. "It was not they, but I," he cries; and, while the policy of 1823 is assailed on all hands with the shouts of execration and the hiss of scorn, he steps forward and essays to make his voice heard, while he cries, amidst the wild uproar, *Adsum qui feci*—mea *fraus omnis!*

This book is by no means void of interest: it is really written with great cleverness; and although somewhat affected, and very much filled with egotism, as all such works must indeed be from their very nature, yet it is lively, and full of original pieces, in support of the author's statements respecting the important transactions in which he was engaged. Of the three parts into which it is divided,—the Congress of Verona, the Spanish War, and the Spanish Colonies,—the two first are by far the most interesting; and it is to the matters relating to them that we shall feel it necessary to direct the reader's attention.

We must observe, however, in beginning the notice of his book, that we do not think M. Chateaubriand has proved quite so irrefragably as he supposes the position to which a great part of it is devoted; namely, that the Holy Allies were against the Spanish Invasion, and that he alone was its author. The phrases about peace which the Allies so glibly used, both in their conferences and in their notes, and which cost them so very little, prove really nothing. As little is it decisive of the question, that their celebrated three manifestoes to the Court of Madrid—intended, of course, for the Cortes—made no mention of war. They were all couched in language the most dictatorial and offensive; they all proceeded upon the assumption that their authors had a right to interfere with the Spanish people as to their choice of a constitution; they were all in a tone the most menacing, and

plainly indicated that the Spaniards must choose between their own independence and a quarrel with the Allies. What signifies it to say that a blustering fellow, when he puts on a threatening air, and rudely calls to account his peaceable neighbour, does not actually promise him "a bullet in his thorax," or brandish a cudgel over his head? All men know what he means, and all men well enough understood the holy gentlemen of Verona. Their exploits at Laybach the year before, followed by immediate operations in Italy for the suppression of a representative government, left no room to doubt their meaning at Verona; but it is extremely probable that the unusual odium which those exploits had engendered made them more cautious of speech, and not impossible that they might also wish France now to act as if of her own accord. At all events, M. Chateaubriand cannot tell what passed between the Nesselrodes, the Ancillons, and the Metternichs, in their conferences with the other French envoys. The words of M. Villèle, then Prime Minister, in the Chamber of Deputies, are much discussed by our author, who denies that General Foy and M. Royer Collard put the right construction upon them. "We have only the alternative of either combating against the Spanish revolution in the Pyrenees, or defending it upon our own northern frontier." M. Chateaubriand relies mainly on the pronoun "*la*." "Quoi de plus évident, de plus clairement, de mieux exprimé? Remarquez bien ce pronom *la*, dans la leçon du Général Foy; il se rapporte au mot *révolution*, non au mot guerre" (which, in truth, would be nonsense), "non au mot *Europe*" (which would be ridiculous); "c'est la révolution Espagnole qui nous aura bouleversés, et que nous serons appellés à défendre sur le Rhin," &c. Was there ever such trifling? But, also, was there ever any self-refutation more complete? For it is not *revolution*, but *Spanish revolution* that they were to defend; and yet our author can gravely maintain, that by defending on the Rhine the Spanish revolution, his colleague and chief meant not the insurrection of Madrid and the government of the Cortes, but the revolution in France, which the contagious influence of Spanish principles might possibly

have brought about. In short, he makes *la*, because it refers to a Spanish revolution then actually born, nay, half-a-year old and more, to typify a French revolution not even in embryo, but which that Spanish one might possibly beget when it came to maturity, if not strangled in the cradle? We venture to say that the pronoun *la*, or any other, never before had so heavy a task imposed upon it as to bear all this meaning. The interpretation of Lord Burleigh's nod in the 'Critic' is a joke to this. "What! does it really mean all this?"—"O yes! and a good deal more."—"Dear me! I never should have guessed it!"

We must fairly confess that the merit of this book, to our taste, consists much less in the serious discussions than in the anecdotes, told in an agreeable and lively manner, which it contains. The interview which he had with that fallen woman, who had once the honour to share Napoleon's bed, is thus described:—

"Nous refusâmes d'abord une invitation de l'archiduchesse de Parme; elle insista, et nous y allâmes. Nous la trouvâmes fort gaie: l'univers s'étant chargé de se souvenir de Napoléon, elle n'avait plus la peine d'y songer. Nous lui dîmes que nous avions rencontré ses soldats à Plaisance, et qu'elle en avait autrefois davantage; elle répondit: 'Je ne songe plus à cela.' Elle prononça quelques mots légers, et comme en passant, sur le roi de Rome: elle était grosse. Sa cour avait un certain air délabrée et vieillie, excepté M. Nieperg, homme de bon ton. Il n'y avait là de singulier que nous dînant auprès de Marie-Louise, et les bracelets faits de la pierre du sarcophage de Juliette que portait la veuve de Napoléon.

"En traversant le Pô, à Plaisance, une seule barque nouvellement peinte, portant une espèce de pavillon impérial, frappa nos regards; deux ou trois dragons, en veste et en bonnet de police, faisaient boire leurs chevaux; nous entrions dans les états de Marie-Louise: c'est tout ce qui restait de la puissance de l'homme qui fendit les rochers du Simplon, planta ses drapeaux sur les capitales de l'Europe, releva l'Italie prosternée depuis tant de siècles. Bouleversez donc le monde, occupez de votre nom les quatre parties de la terre, sortez des mers de l'Europe, élancez-vous jusqu'au ciel, et allez tomber pour mourir à l'extrémité des flots de l'Atlantique: vous n'aurez pas fermé les yeux, qu'un voyageur passera le Pô et verra ce que nous avons vu."

Unworthy creature! and as foolish as base! Whilst her illustrious husband was pining under a treatment more impolitic even than it was cruel, and more senseless still than it was impolitic, she never heaved a sigh for his fate,

nor cast an eye of affection towards the rock to which flinty-hearted men[1] had chained him. While the other members of his family, on whom it was so much less incumbent, and some of whom, in the caprice of unlimited power, he had used moderately well, wearied gods and men with their instances to be allowed the sad privilege of sharing his sufferings, she on whom his eye had never beamed but in love and courtesy—she, wrapt up in the stupid indulgences of Germanic etiquette, but not satiated with these, must give her person up to the first Austrian soldier that approached her, and by whom, according to the above passage, she was occupied in the disgusting office of breeding half-brothers to the son of Napoleon. For that son, it seems, by this same passage, she retained as much affection as for his great father,—showing herself to be as unnatural a parent as she is a grovelling and degenerate consort. The reader will be pleased to observe that this revolting picture comes not from our hand. It is drawn by the powerful and loyal pencil of the Austrian emperor's friend and correspondent,—the chivalrous, the romantic champion of the old dynasties of Europe,—who has sacrificed himself for the Duchess of Berry's house, and has prostrated himself before that of the other woman, whose name shall not soil our page except in M. Chateaubriand's periods.

There is a passage, however, respecting the Austrian policy towards the illustrious sufferers in the Milanese, which should redeem our author from the censures drawn down upon him from the liberal party, by his devotion, often quite blind and unreflecting, to legitimacy. Speaking of Prince Metternich, whose general character he extols in terms as laudatory as those used by Mrs. Trollope herself,[2]

[1] Ου γαρ πω τεθνηκεν επι χθονι διος Ὀδυσσευς,
Αλλ' ετι που ζωος κατερυκεται ευρει ποντῳ
Νησῳ εν αμφιῤῥυτῳ· χαλεποι δε μιν ανδρες εχουσιν.
*Hom. Od.* A.

This is not our citation; it is the admirable one of Lord Holland, whose noble conduct and that of his family towards the illustrious exile, worthy of his name, is above all praise.

[2] *A propos* of the mention of this clever lady, we may, though hardly worth while, give our readers one proof of the authority due

though his conduct in particular instances is not much to his mind, he remarks, " L'Autriche s'applaudit trop de ses succès contre les Révolutionnaires de l'Italie; sa peur lui faisant voir des conspirateurs là où il n'y avoit que le mouvement progressif des idées d'une nation impatiente du joug étranger, et privée de sa nationalité par la conquête. On ne pouvoit penser comme M. de Metternich, quand on voyoit passer à Vérone des cages de *l'ordre* et du *bonheur*, qui emporteraient à Spillberg Silvio Pellico, avec ce que l'Italie renfermait de plus éclairé et de plus distingué dans son sein." (i. 96.) We are persuaded, that if such men as our author, and his diplomatic coadjutors at Verona, had strongly, and plainly, and earnestly represented to Prince Metternich and his master, how entirely they disapproved of those most cruel and most tyrannical proceedings, which it thus appears that they witnessed with their own eyes,—and had shown them, as they very easily might, the infinite mischiefs resulting from thence to their own character in Europe, and to the security of their own power in Austria as well as in Italy,—much more would have been effected for the cause of

to the statements contained in her lately published work, entitled 'Vienna and the Austrians.' "When speaking," she tells us, "of our apparent geographical acquaintance with their country, one gentleman showed us a number of the 'Edinburgh Review,'—I forget the precise date, but it was, I think, about five years ago,—in which Prague was spoken of as the capital of Hungary. The *lévue* had caused considerable amusement at the time, which was not lessened, as he told us, by the sequel. An Austrian (well known, by the way, in England) wrote to the Editor of the Review as soon as this remarkable statement met his eye, requesting him very civilly to restore to Bohemia her much-loved capital. The Editor politely answered the letter, acknowledging, as my informant said, that, after due inquiry made, it had been satisfactorily ascertained that Prague was in truth the capital of Bohemia, and not of Hungary . . . . . but that it was their principle never to contradict themselves, and therefore that they must beg to decline doing so on the present occasion. This letter is said to be very carefully preserved as a literary curiosity."

If truth be at all necessary to the value of this "literary curiosity," we fear we shall deprive it of that recommendation; for we must inform Mrs. Trollope, and her learned friend, that the above statement is wholly destitute of foundation. So much for this pleasant *bévue!—Editor of 'Edinburgh Review.'*

legitimacy, and far more effectual resistance opposed to the progress of revolutionary principles, than by all the conferences of which Verona and Laybach were the seats, and all the threats of vengeance which were ever recorded in Germanic protocols, or executed beyond the Pyrenees.[1]

A very interesting note appended to the second volume shows, that our author's prejudices are not so strong as to alienate him from real merit, or make him distrust integrity in political adversaries. He appears to have been the friend of M. Carrel, whose sterling honesty was only exceeded by his brilliant talents, and whose untimely loss every friend of freedom has deplored. An admirable letter of his is given, showing the footing on which these eminent men were. We extract the concluding portion of it, after remarking how natural it is, and how pleasing also, that persons, however widely opposed in opinions, yet sincerely holding them, and guiding their conduct by their principles, should respect one another, and be found to live on more friendly terms together than they can bear to do with the selfish beings who band themselves in parties for their own gain at the expense of the community, assume the outward appearance of opinions which they are entirely indifferent about, and, having worn as a mask, soon lay aside, and act the part of defending some great and sacred cause only that they may betray it for their own behoof.

"Ce que vous avez voulu depuis trente ans, Monsieur, ce que je voudrais, s'il m'est permis de me nommer après vous, c'est d'assurer aux intérêts qui se partagent notre belle France une loi de combat plus humaine, plus civilisée, plus fraternelle, plus concluante que la guerre civile, et il n'y a que la discussion qui puisse détrôner la guerre civile. Quand donc réussirons-nous à mettre en présence les idées à la place des partis, et les intérêts légitimes et avouables à la place des déguisements de l'égoïsme et de la cupidité? Quand verrons-nous s'opérer par la persuasion et par la parole ces inévitables transactions que le duel des partis et l'effusion du sang amènent aussi par épuisement, mais trop tard pour les morts des deux camps, et trop souvent pour les blessés et les survivants? Comme vous le dites douloureusement, Monsieur, il semble que bien des enseignements aient été perdus, et qu'on ne sache plus en

[1] The attention of Prince Metternich and his sovereign was no sooner called to this subject, than the persons under sentence of imprisonment were released.

France ce qu'il en coûte de se réfugier sous un despotisme qui promet silence et repos. Il n'en faut pas moins continuer de parler, d'écrire, d'imprimer; il sort quelquefois des ressources bien imprévues de la constance. Aussi de tant de beaux exemples que vous avez donnés, Monsieur, celui que j'ai le plus constamment sous les yeux est compris dans un mot: Persévérer.

"Agréez, Monsieur, les sentiments d'inaltérable affection avec lesquels je suis heureux de me dire votre plus dévoué serviteur,

"A. CARREL."

The following singular passage is in M. Chateaubriand's best style, and, with all its faults, is certainly very striking:—

"Nous étions pendant les cent jours avec le roi: le 18 Juin 1815, vers midi, nous sortîmes de Gand par la porte de Bruxelles; nous allâmes seul nous promener sur le grand chemin: nous avions emporté les *Commentaires de César*, en nous cheminions lentement, plongé dans la lecture. Nous étions déjà à plus d'une lieue de la ville, lorsque nous crûmes ouïr un roulement sourd. Nous nous arrêtâmes, nous regardâmes le ciel assez chargé de nuées, délibérant en nous-même si nous continuerions d'aller en avant, ou si nous nous rapprocherions de Gand, dans la crainte d'un orage. Nous prêtâmes l'oreille; nous n'entendîmes plus que le cri d'une poule d'eau dans les joncs et le son d'une horloge de village: nous poursuivîmes notre route. Nous n'avions pas fait trente pas que le roulement recommença, tantôt bref, tantôt long et à intervalles inégaux: quelquefois il n'était sensible que par une trépidation de l'air, laquelle se communiquait à la terre sur ces plaines immenses, tant il était éloigné. Ces détonations, moins vastes, moins onduleuses, moins liées ensemble que celles de la foudre, firent naître dans notre esprit l'idée d'un combat. Nous nous trouvions devant un peuplier planté à l'angle d'un champ de houblon; nous traversâmes le chemin, et nous nous appuyâmes debout contre le tronc de l'arbre; le visage tourné du côté de Bruxelles. Un vent du sud s'étant levé, nous apporta plus distinctement le bruit de l'artillerie. Cette grande bataille encore sans nom, dont nous écoutions les échos au pied d'un peuplier, et dont une horloge de village venait de sonner les funérailles inconnues, était la bataille de Waterloo!"

It is painful to dispel a pleasing illusion; but this passage must be referred to the class of Poetical, and not Historical composition. The wind, which had blown on the 16th June so that the firing at the battle of Quatrebras was heard at Brussels, had changed before the great fight of the 18th, and even at Brussels the cannonade of Waterloo could not be heard; much less could it have reached Ghent, and interrupted our author in his study (a somewhat fruitless one it should seem) of that very simple and

accurate chronicler of events, Julius Cæsar. This is very far from being the only instance which these volumes afford of the lively fancy which predominates in their poetical author. He sets down the appointment of Fouché by the restored Government to the Duke of Wellington's account, stating the nomination as his, and his only. It is well known to have been the work of the Count d'Artois, afterwards Charles X., and the god of the Chateaubriand party's idolatry.

We hardly think that Mr. Canning is fairly treated in this publication. Indeed, we do not at all agree with M. Chateaubriand as to the line which separates letters fit to be published from such as are confidential, and to be kept secret. A person's decease gives no right of proclaiming to the world all that he may have communicated confidentially to his private friend. But, at any rate, the whole correspondence or none of it should be given. Now, it is pretty evident from the letters here printed that many more of both parties are kept back; and the inference drawn from the internal evidence of the book itself, is confirmed by the information which we happen to possess upon the subject. However, it must be admitted, that upon the whole, the sincerity, as well as the sound judgment of our distinguished countryman are abundantly proved by what he writes to the French Minister upon his favourite scheme, the Spanish war. Mr. Canning's letter of February 7, 1823, plainly shows how earnestly he deprecated that measure of injustice and folly; the immediate success of which has not proved any extenuation of its demerits in the eyes of every honest and right-thinking person; and the remote effects of which may easily be traced in the Revolution which Mr. Canning did not live to see.

"*M. Canning à M. de Chateaubriand.*

"*London, February* 7, 1823.

"I SCARCELY know how to write to you to-day, my dear M. de Chateaubriand. I hesitate between the duty of sincerity, and the fear of offence; till I have almost a mind not to write at all. But there is no end of such difficulties; or rather, if such difficulties are suffered to prevail there is an end of our correspondence. And *that*,

I may say without flattery to you, or vanity on my own part, would, in the present crisis of affairs, be a national, if not an *European* misfortune. I write, therefore, and will write the truth; subject, I am afraid, to some possible misconstruction, and to the risk of what may be distasteful, but with no other intention (*ita me Deus adjuvet*) than that of consulting your ease and honour as well as my own, and the interests of both our governments; and in the confidence that, even if you distrust my judgment, you cannot doubt my friendship.

"Well, then, to begin at once with what is most unpleasant to utter, you have united the opinions of this whole nation, *as those of one man*, against France. You have excited against the present sovereign of that kingdom the feelings which were directed against the *usurper* of France and Spain, in 1808; nay, the consent, I am grieved to say, is *more* perfect now than on that occasion: for then the Jacobins were loath to inculpate their idol; now, they, and the Whigs and Tories, from one end of the country to the other, are all one way. Surely such a spontaneous and universal burst of national sentiment, must lead any man, or any set of men, who are acting in opposition to it, to *doubt* whether they are acting quite right. The government has not on this occasion *led* the public; quite otherwise. The language of the government has been peculiarly measured and temperate; and its discretion far more guarded than usual; so much so, that the mass of the nation were in suspense as to the opinions of the government; and that portion of the daily press usually devoted to them, was (for some reasons better known, perhaps, on your side of the water than on ours) turned in a directly opposite course. I was not without expectation of such an ebullition. M. de Marcellus will probably have told you that I did express such an expectation to him; and that I assured him of my perfect conviction that if the word 'neutrality' had found its way into the speech, we should have had to combat the combined efforts of all parties in the House of Commons, to get rid of it. Even if you distrust us, what hinders your negotiating for yourselves? Only negotiate, at least, before you invade.

"Ever, my dear M. Chateaubriand, with the sincerest regard and admiration, yours,

"G. Canning."

The following anecdote is a somewhat laughable misapprehension of our author:—

"Un mot échappé à M. Canning, lorsqu'à propos d'un discours de M. Brougham et lorsqu'il nous crut fourvoyé dans l'affaire de la Péninsule, montre les sentiments que nous portaient nos rivaux; il s'écria dans sa joie—'Tu l'as voulu, Georges Dandin! tu l'as voulu, mon ami!' Et pourtant il ne nous croyait pas assez stupide pour n'avoir rien compris aux notes du Duc de Wellington, puisqu'après avoir reçu une lettre de félicitations que nous lui écrivîmes sur sa nomination de Ministre des Affaires Étrangères, il nous adressa à Vérone la réponse suivante."

The letter which follows is one of very polite, and perhaps hearty congratulation to M. Chateaubriand, upon his elevation to the ministry in October, 1822, which there is no occasion to extract, as it contains nothing at all remarkable. But the total misapprehension of the anecdote, by either his author or himself, is inconceivable. The fact was this, and every one in the political world at the time knew it well:—M. Marcellus, the French Chargé d'Affaires, was sitting under the gallery when Mr. Brougham made his attack upon the Holy Alliance and the Spanish War. Mr. Canning, who had warned the French Ministry repeatedly against the infatuation of the conduct then pursued, and who had, moreover, given the Chargé d'Affaires a special warning not to be present when the attack was expected to be made, spoke to him, as he passed, the words from Molière, which M. Chateaubriand has quoted as correctly, as he has completely misapprehended their application.

Our author has in one *most* important part of his work, the observations upon the Congress of Vienna (beginning with the words, "La démagogie étouffée," vol. i. p. 370), committed some important mistakes;—mistakes indeed so gross, that it requires the utmost charity to believe them wholly unconnected with his party prejudices. In the first place, he attributes to that Congress resolutions taken and carried into effect by the treaty of November 20, 1815, signed at Paris, and not at Vienna. So great an error is quite unaccountable in M. Chateaubriand, or any man who had filled the station of Minister for Foreign Affairs. Can it be necessary to remind such a person, that nothing whatever relating to the territorial arrangements of France was discussed or determined at Vienna? By the treaty of May 30, 1814, concluded at a moment when Paris and three-fourths of all France were occupied by the allied armies, France was not only suffered to retain her boundaries of 1792, but even to gain, partly by rectification of frontiers, partly by actual cession (as of the department of Montblanc and the county of Venaissin), an augmentation of territory to the extent of 150 square miles, and having a population of 450,000 souls. She

also was allowed to keep possession of those precious objects of art, and remains of antiquity, which were the spoils of all the wars both of the Empire and the Republic; and, moreover, the invading armies had evacuated her territories within six weeks from the conclusion of the peace. We may fairly ask M. Chateaubriand, if his diplomatic skill in the service of the legitimate Bourbons would ever have succeeded in obtaining more favourable terms for his country, at a time when she was exhausted by the unparalleled efforts of a twenty years' war, and invaded at almost all points of her surface? It was no doubt after, and in consequence of, the treaty of May 1814, that the Congress of Vienna was holden; but it is not the less certain, that the affairs of France, properly so called, never formed any part of its object or of its deliberations.

France was represented at Vienna by the statesman who had obtained the terms of the treaty of Paris—terms which were certainly the most advantageous that could be got for her, and far better than could have been expected, in the unfortunate position in which the policy of Napoleon and the chance of war had left her. It was by the talents, and by the ascendency of the great statesman alluded to (M. Talleyrand), that France regained and kept, from the very opening of the Vienna negotiations, her former weight and influence in European affairs, which Napoleon and the war had seemed to shake to its very foundations. Now all these facts were so notorious to the whole world, that we may fairly wonder, if M. Chateaubriand, the Poet, felt himself justified in perverting or discolouring them while composing the Epic of his own glory, how M. Chateaubriand, the Head of the Foreign Department, could ever have have forgotten matters so remarkable, which he must at one time have so well known.

Hitherto we have only spoken of what, however gross, may yet be termed an innocent error in point of fact. We must now make mention of a more serious fault, because the misstatement, quite as gross, wears also the aspect of calumny; and of a calumny most grave and odious in its import, though launched with a levity and indifference wholly unjustifiable. In the following passage, the French

negotiator is directly accused of the most foul corruption, with as much carelessness as if the question had been of making a common blunder in politics, or a slip in a speech:—"Une fois redevenus puissants au moyen de nos succès dans la Péninsule, il eut été aisé de ramener le Czar à ses anciennes notions d'équité; on pouvait entraîner la Prusse en reprenant l'arrangement de la Saxe, abandonnée au Congrès de Vienne, *pour un pot de vin de quatre millions.*"—(Vol. i., p. 373.) To such of our readers as are ignorant of the French phrase, we may mention that *Pot-de-vin* is the Court expression for bribe; and, that this passage directly charges those who represented France at Vienna, with having taken a bribe of four millions of francs, or 160,000*l.* sterling, for abandoning the former arrangement of Saxony.

To rebut triumphantly this foul accusation, it is only necessary to make the reader consult the abridged History of Treaties of Peace, compiled by Messrs. Koch and Frederick Schoell. He will there find (vol. xi., pp. 42 and 74) the whole transactions relating to Saxony; and he will at once be enabled to judge of M. Chateaubriand's fidelity as an historian, and his justice as a commentator. We have preferred this work for reference, because it is composed with the most anti-Gallican opinions and feelings; because the authors show themselves throughout hostile to M. Talleyrand; and because, notwithstanding these prejudices, personal as well as national, the book has been received as an authority by the Diplomatists of Europe in general; but is especially a favourite with the adversaries of M. Talleyrand and of his country.

It will be seen in the passages referred to, that the treaty of January 6, 1815, between France, Austria, England, the Netherlands, and Bavaria, alone prevented Saxony from having been effaced from the map of Europe; and who is there, unless it be M. Chateaubriand, so ignorant, or so forgetful, as not to be aware that this treaty was the work of the French ambassador's skill in negotiation, and the fruit of his great authority with all the powers at the Congress? He who obtained and signed that treaty, was no doubt the same person who had obtained

and signed the treaty of May 1814; but he is also the same statesman who afterwards refused to retain office, and emolument, and power, rather than set his hand to the treaty of November 1815, by which France was dismembered, and given over to the occupation of foreign armies for five years. In reminding the reader of these things, no slight is intended upon the Duc de Richelieu's memory, who consented to sign the treaty of November. The devotion of that Minister to his master's service received the reward, some time after, of seeing the period of five years reduced to three. But, at any rate, it is nothing more than justice to give each person engaged in those great affairs his due measure of commendation; nor is it less than the most gross injustice to condemn M. Talleyrand for things which he not only never did, but never could have done; nay, for things which, notoriously to all mankind, he sacrificed office rather than do; and of which he did the very reverse.

The calumny which we have been exposing brings us naturally to the contemplation of that remarkable person who is the object of its attack; and among the many that have figured in modern times, we shall in vain look for any one who presents a more interesting subject of study. His whole history was marked with strange peculiarities, from the period of infancy to the latest scenes of a life protracted to extreme, but vigorous and undecayed, old age. Born to represent one of the most noble families in France, an accident struck him with incurable lameness; and the cruel habits of their pampered caste made his family add to this infliction the deprivation of his rank as eldest son. He was thus set aside for a brother whose faculties were far more crippled by nature than his own bodily frame had been by mischance; and was condemned to the ecclesiastical state, by way of at once providing for him, and getting rid of him. A powerful house, however, could not find in Old France much difficulty in securing promotion for one of its members in the Church; be his disposition towards its duties ever so reluctant, or his capacity for performing them ever so slender. The young

Perigord was soon raised over the heads of numberless pious men, and profound theologians, and became Bishop of Autun, at an age when he had probably had little time for reflection upon his clerical functions, amidst the dissipations of the French capital; into which neither his personal misfortune, nor the domestic deposition occasioned by it, had prevented him from plunging with all the zeal of his strenuous and indomitable nature. His abilities were of the highest order; and the brilliancy with which they soon shone out, was well calculated to secure his signal success in Parisian society, where his rank would alone have gained him a high place; but where talents also, even in the humblest station, never failed to rise in the face of the aristocratic "genius of the place," and the habits of a nation of courtiers.

The great event of modern times now converted all Frenchmen into politicians—gave to state affairs the undisturbed monopoly of interest which the pleasures of society had before enjoyed—and armed political talents with the influence which the higher accomplishments of refined taste and elegant manners had hitherto possessed undivided and almost uncontrolled. M. Talleyrand did not long hesitate in choosing his part. He sided with the Revolution party, and continued to act with them; joining those patriotic members of the clerical body who gave up their revenues to the demands of the country, and sacrificed their exclusive privileges to the rights of the community. But when the violence of the Republican leaders, disdaining all bounds of prudence, or of justice, or of humanity, threatened to involve the whole country in anarchy and blood, he quitted the scene; and retired first to this country, where he passed a year or two, and then to America, where he remained until the more regular government of the Executive Directory tempered the violence of the Revolution, and restored order to the State. Since that period, he always filled the highest stations either at home or in the diplomatic service, except during a part of the Restoration Government, when the incurable folly of those Princes who, as he said himself, had come back from their long exile without having either learnt or forgotten anything,

deemed it prudent to lay upon the shelf the ablest and most experienced man in the country, that their councils might have the benefit of being swayed by the Polignacs and other imbecile creatures of their legitimate Court.[1]

But it is from this constant employment of M. Talleyrand that the principal charge against the integrity of his political character has been drawn. The Chief Minister and Councillor of the Directory, he became suddenly the chief adviser of the Consular Government. When Napoleon took the whole power to himself he continued his Minister. When the independence of Switzerland was rudely invaded, he still presided over the Department for Foreign Affairs. When the child and champion of Jacobinism had laid his parent prostrate in the dust, clothed himself with the Imperial purple, maltreated the Pope, and planted the iron crown of Italy on his brow, the republican ex-bishop remained in his service. When he who afterwards so eloquently avowed, that "General, Consul, Emperor, he owed all to the people," studied to discharge that debt by trampling on every popular right, the advocate of freedom was still to be seen by his side, and holding the pen through which all the Rescripts of despotic power flowed. When the adopted Frenchman, who, with the dying accents of the same powerful and racy eloquence, desired that "his ashes might repose near the stream of the Seine, among the people whom he had so much loved," was testifying the warmth of his affection by such tokens as the merciless conscription, and breathing out his tenderness in proclamations of war that wrapped all France and all Europe in flame—the philosophic statesman,—the friend of human improvement, the philanthropist who had speculated upon the nature of man, and the structure of government in both worlds, and had quitted his original profession because its claims were inimical to the progress of society,—continued inseparably attached to the person of the military ruler, the warrior tyrant; and although he constantly tendered sounder

[1] His resignation in 1815-16 was owing to the praiseworthy cause already stated; but the Bourbons never sought to draw him afterwards from his retirement.

advice than ever was followed, never scrupled to be the executor of Ordinances which he then most disapproved. The term of boundless, unreflecting, and miscalculating ambition was hastened by its excesses; Napoleon was defeated; foreign powers occupied France; and the Emperor's Minister joined them to restore the Bourbons. With them he acted for some time, nor quitted them until they disclosed the self-destructive bent of their feeble and unprincipled minds,—to rule by tools incapable of any acts but those of sycophancy and prostration, and animated by no spirit but that of blind and furious bigotry. The overthrow of the dynasty once more brought M. Talleyrand upon the scene; and he has ever since been the most trusted, as the most valuable and skilful, of all the new Government's advisers; nor have the wisdom and the firmness of any counsels, except indeed those of the Monarch himself, contributed so signally to the successful administration of that great Prince, in the unparalleled difficulties of his truly arduous position.

That these well-known passages in M. Talleyrand's life indicate a disposition to be on the successful side, without any very nice regard to its real merits, can hardly be denied; and when facts, so pregnant with evidence, are before the reader, he has not merely materials for judging of the character to which they relate, but may almost be said to have had its lineaments presented to his view, without the aid of the historian's pencil to portray them. But the just discrimination of the historian is still wanting to complete the picture; both by filling up the outline, and by correcting it when hastily drawn from imperfect materials. Other passages of the life may be brought forward; explanations may be given of doubtful actions; apparent inconsistencies may be reconciled; and charges which at first sight seemed correctly gathered from the facts, may be aggravated, extenuated, or repelled, by a more enlarged and a more judicial view of the whole subject. That the inferences fairly deduced from M. Talleyrand's public life can be wholly countervailed by any minuteness of examination, or explained away by any ingenuity of comment, it would be absurd to assert; yet

is it only doing justice to comprise in our estimate of his merits, some things not usually taken into the account by those who censure his conduct, and who pronounce him,—upon the view of his bearing part in such opposite systems of policy, and acting with such various combinations of party,—to have been a person singularly void of public principle, and whose individual interest was always his God.

His conduct towards the order he belonged to has been remarked upon with severity. But to that order he owed only cruel and heartless oppression, and all for an accident that befel him in the cradle. He was not only disinherited, but he literally was never allowed to sleep under his father's roof. His demeanour in respect to sacred matters, unbecoming his profession as a priest, has called down censures of a far graver description. But he was made by force to enter a profession which he abhorred; and upon those who forced him, not upon himself, falls the blame of his conduct having been unsuited to the cloth which they compelled him to wear. It, moreover, is true, but it has been always forgotten in the attacks upon his ecclesiastical character, that he gallantly undertook the defence of his sacred order, at a time when such devotion to a most unpopular body exposed him to destruction; and that he went into exile, leaving his fortune behind, and subsisting when abroad upon the sale of his books, rather than be contaminated by any share whatever in the enormities of the first Revolution, is a circumstance equally true and equally kept in the shade by his traducers. When the dissipations of his earlier years are chronicled, no allusion is ever made to the severity of his studies at the Sorbonne, where he was only known as a young man of haughty demeanour and silent habits, who lived buried among his books. Unable to deny his wit, and overcome by the charms of his conversation, envious men have refused him even solid capacity, and more important services to society; but they have only been able to make this denial by forgetting the profound discourse upon Lotteries which laid the foundation of his fame; and the works on Public Education, upon Weights and Measures, and upon Colo-

nial Policy, which raised the superstructure. No mitigation of the judgment pronounced upon his accommodating, or what has perhaps justly been called his time-serving, propensities, has ever been affected by viewing the courage which he showed in opposing Napoleon's Spanish war; the still more dangerous energy with which he defended the clerical body in his diocese at a time full of every kind of peril to political integrity; and his exclusion from power by the restored dynasty, whose return to the French throne was mainly the work of his hands, but whose service he quitted rather than concur in a policy humiliating to his country. Nor has any account been taken of the difficult state of affairs, and the imminent risk of hopeless anarchy on the one hand, or complete conquest on the other, to which France was exposed by the fortune of war and the hazards of revolution;—an alternative presented to him in more than one of those most critical emergencies in which he was called to decide for his country as well as himself. Yet all these circumstances must be weighed together with the mere facts of his successive adhesion to so many governments, if we would avoid doing his memory the grossest injustice, and escape the most manifest error in that fair estimate of his political virtue which it is our object to form.

But if the integrity of this famous personage be the subject of unavoidable controversy, and if our opinion regarding it must of necessity be clouded with some doubt, and at best be difficult satisfactorily to fix—upon the talents with which he was gifted, and his successful cultivation of them, there can be no question at all; and our view of them is unclouded and clear. His capacity was most vigorous and enlarged. Few men have ever been endowed with a stronger natural understanding; or have given it a more diligent culture, with a view to the pursuits in which he was to employ it. His singular acuteness could at once penetrate every subject; his clearness of perception at a glance unravelled all complications, and presented each matter distinct and unencumbered; his sound plain, manly sense, at a blow got rid of all the husk, and pierced immediately to the kernel. A cloud of words

was wholly thrown away upon him; he cared nothing for all the declamation in the world; ingenious topics, fine comparisons, cases in point, epigrammatic sentences, all passed innocuous over his head. So the storms of passion blew unheeded past one whose temper nothing could ruffle, and whose path towards his object nothing could obstruct. It was a lesson and a study, as well as a marvel, to see him disconcert, with a look of his keen eye, or a motion of his chin, a whole piece of wordy talk, and far-fetched and fine-spun argument, without condescending to utter, in the deep tones of his most powerful voice, so much as a word or an interjection;—far less to overthrow the flimsy structure with an irresistible remark, or consume it with a withering sarcasm. Whoever conversed with him, or saw him in conversation, at once learnt both how dangerous a thing it was to indulge before him in loose prosing, or in false reasoning, or in frothy declamation; and how fatal an error he would commit who should take the veteran statesman's good-natured smile for an innocent insensibility to the ludicrous, and his apparently passive want of all effort for a permanent indolence of mind. There are many living examples of persons not meanly gifted who, in the calm of his placid society, have been wrecked among such shoals as these.

But his political sagacity was above all his other great qualities; and it was derived from the natural perspicacity to which we have adverted, and that consummate knowledge of mankind—that swift and sure tact of character—into which his long and varied experience had matured the faculties of his manly, yet subtle understanding. If never to be deluded by foolish measures, nor ever to be deceived by cunning men, be among the highest perfections of the practical statesman, where shall we look for any one who preferred higher claims to this character? But his statesmanship was of no vulgar cast. He despised the silly, and easy, and false old maxims which inculcate universal distrust, whether of unknown men or of novel measures; as much as he did the folly of those whose facility is an advertisement for impostors or for enthusiasts to make dupes of them. His was the skill which knew as well

where to give his confidence as to withhold it; and he knew full surely that the whole difficulty of the political art consists in being able to say whether any given person, or scheme, belongs to the right class or to the wrong. It would be very untrue to affirm that he never wilfully deceived others; but it would probably be still more erroneous to admit that he ever in his life was deceived. So he held in utter scorn the affected wisdom of those who think they prove themselves sound practical men by holding cheap every proposal to which the world has been little, or not at all accustomed, and which appeals for its support to principles rarely resorted to. His own plan for maintaining the peace and independence of Belgium may be cited as an example of a policy at once refined and profound. He would have had it made the resort of the fine arts and of letters, with only force enough to preserve its domestic peace, and trusting for its protection to the general abhorrence which all Europe must have, in these times, of any proceeding hostile to such a power.

Although M. Talleyrand never cultivated the art of oratory, yet his brilliant wit, enlivening a constant vein of deep sense and original observation, and his extraordinary mastery over all the resources of the language in which he expressed himself, gave to the efforts of his pen, as well as to his conversation, a relish, a charm, and a grace, that few indeed have ever attained, and certainly none have surpassed. His thorough familiarity with the best writers of his own country was manifest in all his compositions, as well as in his talk; which, however, was too completely modulated to the tone of the most refined society, ever to wear the least appearance of pedantry. To cite examples of the felicitous turns of his expression in writing, would almost be to take any passage at random of the few works which he has left. But the following description of the American planter may suffice to show how he could paint moral as well as natural scenery. The writers of Chateau briand's school might envy its poetical effect, and might perhaps learn how possible it is to be pointed and epigrammatic without being affected, and sentimental, without being mawkish.

"Le bûcheron Américain ne s'intéresse à rien; toute idée sensible est loin de lui; ces branches si élégamment jetées par la nature, un beau feuillage, une couleur vive qui anime une partie du bois, un verd plus fort qui en assombroit un autre, tout cela n'est rien: il n'a de souvenir à placer nulle part: c'est la quantité de coups de hache qu'il faut qu'il donne pour abattre un arbre, qui est son unique idée. Il n'a point planté; il n'en sait point les plaisirs. L'arbre qu'il planteroit n'est bon à rien pour lui; car jamais il ne le verra assez fort pour qu'il puisse l'abattre: c'est de détruire qui le fait vivre: on détruit partout: aussi tout lieu lui est bon; il ne tient pas au champ où il a placé son travail, parce que son travail n'est que de la fatigue, et qu'aucune idée douce n'y est jointe. Ce qui sort de ses mains ne passe point par toutes les croissances si attachantes pour le cultivateur; il ne suit pas la destinée de ses productions; il ne connoit pas le plaisir des nouveaux essais; et si en s'en allant il n'oublie pas sa hache, il ne laisse pas de regrets là où il a vécu des années."

Of his truly inimitable conversation, and the mixture of strong masculine sense, and exquisitely witty turns in which it abounded,—independently of the interest, and the solid value which it derived from a rich fund of anecdote, delivered in the smallest number possible of the most happy and most appropriate words possible,—it would be indeed difficult to convey an adequate idea. His own powers of picturesque, and wonderfully condensed expression, would be hardly sufficient to present a portrait of its various and striking beauties. Simple and natural, yet abounding in the most sudden and unexpected turns,—full of point, yet evidently the inspiration of the moment, and therefore more absolutely to the purpose than if it had been the laboured effort of a day's reflection, a single word often performing the office of sentences, nay, a tone not unfrequently rendering many words superfluous—always the phrase most perfectly suitable selected, and its place most happily chosen—all this is literally correct, and no picture of fancy, but a mere abridgment and transcript of the marvellous original; and yet it all falls very short of conveying its lineaments, and fails still more to render its colouring and its shades. For there was a constant gaiety of manner which had the mirthful aspect of good-humour, even on the eve or on the morrow of some flash in which his witty raillery had wrapt a subject or a person in ridicule, or of some torrent in which his satire had descended

instantaneous but destructive—there was an archness of malice, when more than ordinary execution must be done, that defied the pencil of the describer, as it did the attempts of the imitator—there were manners the most perfect in ease, in grace, in flexibility—there was the voice of singular depth and modulation, and the countenance alike fitted to express earnest respect, unostentatious contempt, and bland complacency—and all this must really have been witnessed to be accurately understood. His sayings—his *mots*, as the French have it—are renowned; but these alone convey an imperfect idea of his whole conversation. They show indeed the powers of his wit, and the felicity of his concise diction; and they have a peculiarity of style, such, that if shown without a name, no one could be at a loss to whom he should attribute them. But they are far enough from completing the sketch of his conversation to those who never heard it. A few instances may, however, be given, chiefly to illustrate what has been said of its characteristic conciseness and selection.

Being asked if a certain authoress, whom he had long since known, but who belonged rather to the last age, was not "un peu ennuyeuse." "Du tout," said he; "elle était *parfaitement* ennuyeuse." A gentleman in company was one day making a somewhat zealous eulogy of his mother's beauty, dwelling upon the topic at uncalled-for length—he himself having certainly inherited no portion of that kind under the marriage of his parents. "C'était, donc, monsieur votre père qui apparemment n'était pas trop bien," was the remark, which at once released the circle from the subject. When Madame de Stael published her celebrated novel of *Delphiné*, she was supposed to have painted herself in the person of the heroine, and M. Talleyrand in that of an elderly lady who is one of the principal characters. "On me dit" (said he, the first time he met her) "que nous sommes tous les deux dans votre roman, déguisés en femme." Rulhieres, the celebrated author of the work on the Polish revolution, having said, "Je n'ai fait qu'une inconséquence de ma vie;" "Et quand finira-t-elle?" was M. Talleyrand's reply.—"Genève

est ennuyeuse, n'est-ce pas?" asked a friend—"Surtout quand on s'y amuse," was the answer.—"Elle est insupportable" (said he, with marked emphasis, of one well known; but as if he had gone too far, and to take off somewhat of what he had laid on, he added), "Elle n'a que ce défaut-là."—"Ah, je sens des douleurs infernales," said a person whose life had been supposed to be somewhat of the loosest. "Déjà?"[1] was the inquiry suggested to M. Talleyrand. Nor ought we to pass over the only *mot* that ever will be recorded of Charles X., uttered on his return to France in 1814, on seeing, like our Second Charles at a similar reception, that the adversaries of his family had disappeared, "Il n'y a qu'un Français de plus." This was the suggestion of M. Talleyrand. He afterwards proposed, in like manner, to Charles' successor, that the foolish freaks of the Duchesse de Berri should be visited with this Rescript to her and her faction—"Madame, il n'y a plus d'espoir pour vous. Vous serez jugée, condamnée, et graciée."

Of his temper and disposition in domestic life, it remains to speak, and nothing could be more perfect than these. If it be true, which is, however, more than questionable, that a life of public business hardens the heart; if this be far more certainly the tendency of a life much chequered with various fortune; if he is almost certain to lose his natural sympathies with mankind, who has in his earliest years tasted the bitter cup of cruel and unnatural treatment, commended to his lips by the hands that should have cherished him; if, above all, a youth of fashionable dissipation and intrigue, such as M. Talleyrand, like most of our own great men, undeniably led, has, in almost every instance, been found to eradicate the softer domestic feelings, and to plant every selfish weed in the cold soil of a neglected bosom—surely it is no small praise of his kindly and generous nature, that we are entitled to record how marked an exception he formed to all these rules. While it would be a foolish and a needless exaggeration to repre-

[1] Certainly it came natural to him; it is, however, not original. The Cardinal de Retz's physician is said to have made a similar exclamation on a like occasion:—"Déjà, Monseigneur?"

sent him as careless of his own interest, or ambition, or gratifications, at any period of his life, it is nevertheless quite true that his disposition continued to the last gentle and kindly; that he not only entertained throughout the tempest of the revolutionary anarchy the strongest abhorrence of all violent and cruel deeds, but exerted his utmost influence in mitigating the excesses which led to them in others; that his love of peace in all its blessed departments, whether tranquillity at home, or amity and goodwill abroad, was the incessant object of his labours; that, in domestic life, he was of a peculiarly placid temper, and full of warm and steady affections. His aversion to all violent courses was even, in some instances, carried to a length which prevented his wonted calmness of judgment, and his constant and characteristic love of justice, even when an adversary was concerned, from having their free scope. He never could speak with patience of Carnot, for having continued, during the Reign of Terror, to serve and to save his country by directing the war which defended her against Europe in arms;—forgetting how much less could be urged for his own conduct under the conscriptions of Napoleon, and under the military occupation of the Allies,—even admitting his predominant desire to prevent anarchy and conquest,—than might most fairly be offered in defence of that illustrious Republican's inflexible and uncompromising, though stern and undaunted virtue.

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LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS.

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